

House Bill 502

By: Representatives Dudgeon of the 25th, Coleman of the 97th, Clark of the 101st, Dickson of the 6th, Kaiser of the 59th, and others

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 that annual
 4 performance evaluations cannot be waived; to revise provisions relating to state required
 5 content standards; to remove the middle grades program; to revise provisions relating to
 6 contracts by the State School Superintendent; to revise a process for student requests for
 7 waivers and variances of state requirements; to revise definitions relating to capitol outlay
 8 funds; to revise provisions relating to state required assessments; to revise provisions relating
 9 to the honors program; to revise a provision relating to a report on gender discrimination; to
 10 revise provisions relating to courses taken through the Georgia Virtual School; to revise
 11 provisions relating to virtual instruction opportunities provided by local school systems; to
 12 repeal an obsolete provision relating to acquiring digital learning; to revise a provision
 13 relating to home study reporting; to revise provisions relating to health insurance for public
 14 school teachers and employees; to revise provisions relating to nonrenewal of a teacher's
 15 contract; to revise provisions relating to appeals to the State Board of Education; to revise
 16 provisions relating to state charter schools; to repeal an Act to provide in all counties of
 17 500,000 or more population according to the United States Census of 1960 or any future
 18 United States Census that the pension board of the board of education in such counties shall
 19 recompute the pension paid to those teachers and employees who had retired as a matter of
 20 right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of
 21 service, approved March 21, 1963 (Ga. L. 1963, p. 2469); to provide for related matters; to
 22 repeal conflicting 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 2.**

31 Said chapter is further amended by revising subsection (e) of Code Section 20-2-82, relating
 32 to contract terms for local school systems requesting flexibility, as follows:

33 "(e) The state board shall be authorized to approve a waiver or variance request of
 34 specifically identified state rules, regulations, policies, and procedures or provisions of this
 35 chapter upon the inclusion of such request in the local school system's proposed contract
 36 and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver
 37 and variance shall be improvement of student performance. The state board shall not be
 38 authorized to waive or approve variances on any federal, state, and local rules, regulations,
 39 court orders, and statutes relating to civil rights; insurance; the protection of the physical
 40 health and safety of school students, employees, and visitors; conflicting interest
 41 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in
 42 or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or
 43 Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of
 44 Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327.
 45 A local school system that has received a waiver or variance shall remain subject to the
 46 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not
 47 charge tuition or fees to its students except as may be authorized for local boards by Code
 48 Section 20-2-133, and shall remain open to enrollment in the same manner as before the
 49 waiver request."

50 **SECTION 3.**

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

53 "(1) Implementing a ~~quality basic education~~ highly rigorous curriculum to encompass
 54 content standards in public schools state wide which ensures that each student is provided
 55 ample opportunity to develop competencies necessary for lifelong learning as well as the
 56 competencies needed to maintain good physical and mental health, to participate actively
 57 in the governing process and community activities, to protect the environment and

58 conserve public and private resources, and to be an effective worker and responsible
59 citizen of high character;"

60 **SECTION 4.**

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

64 "20-2-140.

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

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

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

89 **SECTION 5.**

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

92 "20-2-140.1.
 93 The State Board of Education shall establish rules and regulations to maximize the number
 94 of students, beginning with students entering ninth grade in the 2014-2015 school year,
 95 who complete prior to graduation at least one course containing online learning. This shall
 96 be met through an online course offered by the Georgia Virtual School established pursuant
 97 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code
 98 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary
 99 institution, or through a provider ~~approved~~ pursuant to ~~subsection (c)~~ of Code Section
 100 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction
 101 program pursuant to Code Section 20-2-319.4."

102 SECTION 6.

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

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

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

110 (B) A course of study in the history of the United States and in the history of Georgia
 111 and in the essentials of the United States and Georgia Constitutions, including the study
 112 of American institutions and ideals which shall include a study of the Pledge of
 113 Allegiance to the flag of the United States and the Georgia flag in addition to other
 114 institutions and ideals.

115 (2) No student shall be eligible to receive a diploma from a high school unless such
 116 student has successfully completed the courses in history and government provided for
 117 by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For
 118 students moving to Georgia and unable to take the course or courses available to fulfill
 119 these requirements in the grade level in which such course or courses are ordinarily
 120 offered, the State Board of Education may develop alternative methods, which may
 121 include but shall not be limited to an on-line course of study, for such students to learn
 122 about and demonstrate an adequate understanding of federal or Georgia history and
 123 government.

124 (3) Disabled students who are otherwise eligible for a special education diploma
 125 pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if
 126 they have not successfully completed either or both of these courses; provided, however,

127 that their Individualized Education Programs have not specified that the disabled students
128 must enroll in and successfully complete both of these courses.

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

135 **SECTION 7.**

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

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

142 "(2) It is the policy of this state that the purpose of the primary grades program shall be
143 mastery by enrolled students of the essential basic skills and knowledge which will
144 enable them to achieve more advanced skills and knowledge offered at the higher grade
145 levels. For purposes of funding under this article, the primary grades program shall
146 include grades one, two, and three. To be eligible for enrollment in the first grade of a
147 state supported primary grades program, a child must attain the age of six by September
148 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
149 Board of Education shall adopt an instrument or instruments, procedures, and policies
150 necessary to assess the first grade readiness of children enrolled in Georgia's public
151 school kindergarten programs pursuant to Code Section 20-2-281. Readiness information
152 obtained by the instrument or instruments adopted by the state board shall be used by
153 local school systems in concert with teacher recommendations and other relevant
154 information to make appropriate student grade placement decisions. The Department of
155 Education shall develop guidelines for utilization of the instrument or instruments in
156 grade placement decisions and shall provide such guidelines to local school systems. The
157 guidelines shall include information pertinent to consideration of the placement of
158 students who have been identified as being disabled or limited-English-proficient.
159 Whenever the decision is made not to promote a child to the first grade, the local school
160 system shall document the reasons for the decision not to promote, according to
161 guidelines established by the board. The State School Superintendent ~~shall~~ may annually
162 provide a report summarizing the results of the readiness of first grade Georgia public

163 school kindergarten children. No student shall remain in kindergarten for more than two
 164 years;"

165 **SECTION 8.**

166 Said chapter is further amended by revising subsections (a) and (h) of Code Section
 167 20-2-154.1, relating to alternative education programs, as follows:

168 "(a) It is the policy of this state that the alternative education program shall provide a
 169 learning environment that includes the objectives of the ~~quality core curriculum~~ content
 170 standards and that the instruction in an alternative education program shall enable students
 171 to return to a general or career education program as quickly as possible. Course credit
 172 shall be earned in an alternative education program in the same manner as in other
 173 education programs. It is the policy of this state that it is preferable to reassign disruptive
 174 students to an alternative education program rather than suspending or expelling such
 175 students from school."

176 "~~(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education~~
 177 ~~programs shall be based upon a full-time equivalent program count that equals 2.5 percent~~
 178 ~~of the sum of the full-time equivalent program count of the middle grades program, the~~
 179 ~~middle school program as defined in Code Section 20-2-290, the high school general~~
 180 ~~education program (grades nine through 12), and the career, technical, and agricultural~~
 181 ~~education laboratory program (grades nine through 12). For the 2002-2003 school year and~~
 182 ~~thereafter, the~~ The amount of state funds appropriated and allocated for the alternative
 183 education program provided for in this Code section shall be based on the actual count of
 184 students served during the preceding year, except that the count of students served shall not
 185 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~
 186 ~~grades program, the middle school program as defined in Code Section 20-2-290, the high~~
 187 ~~school general education program (grades nine through 12), and the career, technical, and~~
 188 ~~agricultural education laboratory program (grades nine through 12). Funds earned may be~~
 189 expended in kindergarten and in grades one through 12."

190 **SECTION 9.**

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

193 "20-2-159.1.

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

- 198 (1) Agriculture, food, and natural resources;
 199 (2) Architecture and construction;
 200 (3) Arts, audio-video technology, and communications;
 201 (4) Business, management, and administration;
 202 (5) Education and training;
 203 (6) Finance;
 204 (7) Health science;
 205 (8) Hospitality and tourism;
 206 (9) Human services;
 207 (10) Information technology;
 208 (11) Law, public safety, and security;
 209 (12) Manufacturing;
 210 (13) Government and public administration;
 211 (14) Marketing, sales, and service;
 212 (15) Science, technology, engineering, and mathematics; and
 213 (16) Transportation, distribution, and logistics.
 214 Such focused programs of study may be combined around these and other related clusters."

215 **SECTION 10.**

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

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

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

228 **SECTION 11.**

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

232 "(a) The ~~competencies and curricula~~ content standards established for career, technical, and
 233 agricultural education courses pursuant to Code Section 20-2-140 shall include embedded
 234 standards in academic core subject areas, as appropriate. In establishing such ~~competencies~~
 235 ~~and curricula~~ content standards, the state board shall work to ensure that the coursework
 236 meets postsecondary requirements for acceptance of credit for such coursework at the
 237 postsecondary level. Such courses shall be taught by a highly qualified teacher in the
 238 academic content and trained or experienced in contextualized learning using project based
 239 methods; by a highly qualified career, technical, and agricultural education teacher who has
 240 completed a state-approved training program to strengthen academic content and has
 241 passed a state-approved exam for demonstrating mastery of academic content; or by a team
 242 made up of a highly qualified teacher in the academic content and a highly qualified career,
 243 technical, and agricultural education teacher working together to teach the course."

244

SECTION 12.

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

247 "(a) The State Board of Education shall designate the specific dates upon which two counts
 248 of students enrolled in each instructional program authorized under this article shall be
 249 made each school year and by which the counts shall be reported to the Department of
 250 Education. The initial enrollment count shall be made after October 1 but prior to
 251 November 17 and the final enrollment count after March 1 but prior to May 1. The report
 252 shall indicate the student's specific assigned program for each one-sixth segment of the
 253 school day on the designated reporting date. No program shall be indicated for a student
 254 for any one-sixth segment of the school day that the student is assigned to a study hall; a
 255 noncredit course; a course recognized under this article or by state board policy as an
 256 enrichment course, except a driver education course; a course which requires participation
 257 in an extracurricular activity for which enrollment is on a competitive basis; a course in
 258 which the student serves as a student assistant to a teacher, in a school office, or in the
 259 media center, except when such placement is an approved work site of a recognized career,
 260 technical, and agricultural education laboratory program; an individual study course for
 261 which no outline of course objectives is prepared in writing prior to the beginning of the
 262 course; or any other course or activity so designated by the state board. For the purpose
 263 of this Code section, the term 'enrichment course' means a course which does not dedicate
 264 a major portion of the class time toward the development and enhancement of one or more
 265 ~~student competencies~~ content standards as adopted by the state board under Code Section
 266 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the
 267 school day for which the student is not enrolled in an instructional program or has not

268 attended a class or classes within the preceding ten days; nor shall a program be indicated
 269 for a student for any one-sixth segment of the school day for which the student is charged
 270 tuition or fees or is required to provide materials or equipment beyond those authorized
 271 pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course
 272 pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other
 273 appropriate program for each segment in which the student is attending such dual credit
 274 course. The state board shall adopt such regulations and criteria as necessary to ensure
 275 objective and true counts of students in state approved instructional programs. The state
 276 board shall also establish criteria by which students shall be counted as resident or
 277 nonresident students, including specific circumstances which may include, but not be
 278 limited to, students attending another local school system under court order or under the
 279 terms of a contract between two local school systems. If a local school system has a
 280 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 281 program counts from the designated date to a requested alternate date."

282 **SECTION 13.**

283 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section
 284 20-2-161, relating to the Quality Basic Education Formula, as follows:

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

- | | | |
|-----|---|------------|
| 289 | (1) Kindergarten program | 1.6508 |
| 290 | | weight and |
| 291 | | 1 to 15 |
| 292 | | ratio |
| 293 | (2) Kindergarten early intervention program | 2.0348 |
| 294 | | weight and |
| 295 | | 1 to 11 |
| 296 | | ratio |

297	(3) Primary grades program (1-3)	1.2849
298		weight and
299		1 to 17
300		ratio
301	(4) Primary grades early intervention program (1-3)	1.7931
302		weight and
303		1 to 11
304		ratio
305	(5) Upper elementary grades program (4-5)	1.0355
306		weight and
307		1 to 23
308		ratio
309	(6) Upper elementary grades early intervention program (4-5)	1.7867
310		weight and
311		1 to 11
312		ratio
313	(7) Middle grades program (6-8)	1.0186
314		weight and
315		1 to 23
316		ratio
317	(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
318		weight and
319		1 to 20
320		ratio
321	(9)(8) High school general education program (9-12)	1.0000
322		weight and
323		1 to 23
324		ratio

325	(10) <u>(9)</u> Career, technical, and agricultural education	1.1916
326	laboratory program (9-12)	weight and
327		1 to 20
328		ratio
329	(11) <u>(10)</u> Program for persons with disabilities:	
330	Category I	2.3798
331		weight and
332		1 to 8
333		ratio
334	<u>(12)</u> (11) Program for persons with disabilities:	
335	Category II	2.7883
336		weight and
337		1 to 6.5
338		ratio
339	(13) <u>(12)</u> Program for persons with disabilities:	
340	Category III	3.5493
341		weight and
342		1 to 5
343		ratio
344	(14) <u>(13)</u> Program for persons with disabilities:	
345	Category IV	5.7509
346		weight and
347		1 to 3
348		ratio
349	(15) <u>(14)</u> Program for persons with disabilities:	
350	Category V	2.4511
351		weight and
352		1 to 8
353		ratio

354	(16) <u>(15)</u> Program for intellectually gifted students:	
355	Category VI	1.6589
356		weight and
357		1 to 12
358		ratio
359	(17) <u>(16)</u> Remedial education program	1.3087
360		weight and
361		1 to 15
362		ratio
363	(18) <u>(17)</u> Alternative education program	1.4711
364		weight and
365		1 to 15
366		ratio
367	(19) <u>(18)</u> English for speakers of other languages (ESOL) program	2.5049
368		weight and
369		1 to 7
370		ratio

371 ~~(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the~~
372 ~~requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school~~
373 ~~shall have the funding weight included in paragraph (8) of subsection (b) of this Code~~
374 ~~section for the middle school program, regardless of whether such middle school meets the~~
375 ~~requirements of Code Section 20-2-290."~~

376 **SECTION 14.**

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

379 "20-2-181.

380 The calculation of all program weights shall reflect a base size local school system of 3,300
381 full-time equivalent students. The calculation of program weights for the kindergarten
382 program, the kindergarten early intervention program, the primary grades (1-3) early
383 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)
384 early intervention program, and the upper elementary grades (4-5) program shall reflect a

385 base school size of 450 full-time equivalent students. The calculation of program weights
 386 for the ~~middle grades (6-8) program, the~~ middle school (6-8) program, the special
 387 education programs, the remedial education program, and the English for speakers of other
 388 languages program shall reflect a base school size of 624 full-time equivalent students.
 389 The calculation of ~~the~~ program weights for the high school general education program and
 390 the high school career, technical, and agricultural education laboratory program shall
 391 reflect a base school size of 970 full-time equivalent students. The calculation of program
 392 weights for the alternative education program shall reflect a base school size of 100
 393 full-time equivalent students, except that the calculations for secretaries and media
 394 personnel shall reflect a base school size of 624 full-time equivalent students."

395

SECTION 15.

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

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

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

418 "(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and
 419 guardians as to the maximum number of students that may be in their child's classroom
 420 in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the

421 following regular education programs, the maximum individual class size for
422 mathematics, science, social studies, and language arts classes shall be:

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

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

437 **SECTION 16.**

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

440 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,
441 primary grades early intervention, upper elementary, upper elementary grades early
442 intervention, ~~middle grades~~, middle school, and remedial programs and the program
443 weights for the high school programs authorized pursuant to paragraph (4) of subsection
444 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
445 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
446 instruction for 10 percent of the full-time equivalent count of the respective program. Such
447 funds shall be used for addressing the academic needs of low-performing students with
448 programs including, but not limited to, instructional opportunities for students beyond the
449 regular school day, Saturday classes, intersession classes, summer school classes, and
450 additional instructional programs during the regular school day. Following the midterm
451 adjustment, the state board shall issue allotment sheets for each local school system. Each
452 local school system shall spend 100 percent of the funds designated for additional days of
453 instruction for such costs at the system level, which may include transportation costs
454 incurred for transporting students who are attending additional classes funded by these
455 designated funds."

456 **SECTION 17.**

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

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

464 **SECTION 18.**

465 Said chapter is further amended by revising subsection (a) of Code Section 20-2-200, relating
466 to regulation of certificated professional personnel by the Professional Standards
467 Commission, as follows:

468 "(a) The Professional Standards Commission shall provide, by regulation, for certifying
469 and classifying all certificated professional personnel employed in the public schools of
470 this state, including personnel who provide virtual instruction to public schools of this state,
471 whether such personnel are located within or outside of this state. No such personnel shall
472 be employed in the public schools of this state unless they hold certificates issued by the
473 commission certifying their qualifications and classification in accordance with such
474 regulations. The commission shall establish such number of classifications of other
475 certificated professional personnel as it may find reasonably necessary or desirable for the
476 operation of the public schools; provided, however, that such classifications shall be based
477 only upon academic, technical, and professional training, experience, and competency of
478 such personnel. The commission is authorized to provide for denying a certificate to an
479 applicant, suspending or revoking a certificate, or otherwise disciplining the holder of a
480 certificate for good cause after an investigation is held and notice and an opportunity for
481 a hearing are provided the certificate holder or applicant in accordance with subsection (d)
482 of Code Section 20-2-984.5. The commission shall designate and define the various
483 classifications of professional personnel employed in the public schools of this state that
484 shall be required to be certificated under this Code section or under Code Section 20-2-206.
485 Without limiting the generality of the foregoing, the term 'certificated professional
486 personnel' is defined as all professional personnel certificated by the commission and
487 county or regional librarians."

488 **SECTION 19.**

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

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

495 **SECTION 20.**

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

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

501 **SECTION 21.**

502 Said chapter is further amended by revising subsection (b) of Code Section 20-2-244, relating
 503 to waivers to improve student performance, as follows:

504 "(b) The State Board of Education is not authorized to waive any federal, state, and local
 505 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection
 506 of the physical health and safety of school students, employees, and visitors; conflicting
 507 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful
 508 conduct in or near a public school; any reporting requirements pursuant to Code Section
 509 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the
 510 requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code
 511 Section 20-2-327. A school or school system that has received a waiver shall remain
 512 subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement
 513 that it shall not charge tuition or fees to its students except as may be authorized for local
 514 boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner
 515 as before the waiver request."

516 **SECTION 22.**

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

518 "20-2-244.1.

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

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

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

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

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

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

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

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

539 (2) The type of action requested;

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

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

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

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

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

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

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

563 **SECTION 23.**

564 Said chapter is further amended in subsection (b) of Code Section 20-2-260, relating to
 565 capital outlay funds generally, by revising paragraph (3) and by adding a new paragraph as
 566 follows:

567 "(3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result
 568 in the acquisition of fixed assets, existing buildings, improvements to sites, construction
 569 of buildings, construction of additions to buildings, retrofitting of existing buildings for
 570 energy conservation, and initial and additional equipment and furnishings for educational
 571 facilities. This term also includes expenditures for computer equipment and operating
 572 system software for the school that is integral to the implementation of the school's
 573 curriculum, instruction, or administration."

574 "(9.1) 'Local school system' means any entity defined as a local educational agency by
 575 the Department of Education."

576 **SECTION 24.**

577 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
 578 20-2-270.1, relating to services to member local school systems by regional educational
 579 service agencies, as follows:

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

583 **SECTION 25.**

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

586 "20-2-281.

587 (a) The State Board of Education shall adopt a student assessment program consisting of
 588 instruments, procedures, and policies necessary to implement the program and shall fund
 589 all costs of providing and scoring such instruments, subject to appropriation by the General
 590 Assembly. Each local school system may elect to administer, with state funding, nationally
 591 norm-referenced instruments in reading, mathematics, science, or social studies in grade
 592 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
 593 with assistance to such school systems by the State Board of Education with regard to
 594 administration guidance, scoring, and reporting of such assessments. The State Board of

595 Education shall review, revise, and upgrade the ~~quality core curriculum~~ content standards.
 596 Following the adoption of ~~this revised curriculum~~ such content standards, the State Board
 597 of Education shall contract for development of ~~criterion-referenced competency~~ state
 598 criterion based tests to measure the ~~quality core curriculum~~ content standards. Such tests
 599 in English, ~~and language arts/reading, and, mathematics, and reading~~ shall be administered
 600 annually to students in grades ~~three~~ one through eight and such tests in science and social
 601 studies shall be administered annually to students in grades three through eight. These tests
 602 shall contain features that allow for comparability to other states with whom establishing
 603 such comparison would be statistically sound; provided, however, that no such comparison
 604 shall be conducted which would relinquish any measure of control over assessments to any
 605 individual or entity outside the state. This action shall be completed according to a
 606 schedule established by the State Board of Education. ~~A curriculum based assessment shall~~
 607 ~~be administered in grade 11 for graduation purposes.~~ Writing assessments shall be
 608 administered to students in grades three, five, eight, and 11 and may be administered in
 609 additional grade levels as designated by the State Board of Education. The results of such
 610 writing assessments shall ~~provide~~ be provided to students and their parents ~~with~~
 611 ~~performance outcome measures resulting~~ from the administration of such tests.

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

627 (b.1) The State Board of Education shall notify local school systems and individual
 628 schools of the results of the assessment instruments administered under this Code section
 629 at the earliest possible date determined by the state board, but not later than the beginning
 630 of the subsequent school year. In the event the state board is unable to provide timely
 631 results in the first year of implementation of a substantially new assessment instrument, the

632 provisions in paragraphs (2) and (3) of subsection (b) of Code Section 20-2-283 shall not
 633 apply.

634 (c) The State Board of Education shall have the authority to condition the awarding of a
 635 high school diploma to a student upon achievement of satisfactory scores on instruments
 636 or tests adopted and administered by the state board pursuant to ~~subsection~~ subsections (a)
 637 and (f) of this Code section. The state board is authorized and directed to adopt regulations
 638 providing that any disabled child, as defined by the provisions of this article, shall be
 639 afforded opportunities to take any test adopted by the state board as a condition for the
 640 awarding of a high school diploma. Said regulations shall further provide for appropriate
 641 accommodations in the administration of such test. Said regulations shall further provide
 642 for the awarding of a special education diploma to any disabled student who is lawfully
 643 assigned to a special education program and who does not achieve a passing score on said
 644 test or who has not completed all of the requirements for a high school diploma but who
 645 has nevertheless completed his or her Individualized Education Program.

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

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

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

665 (f) The State Board of Education shall adopt end-of-course assessments for students in
 666 grades nine through 12 for all core subjects to be determined by the state board. For those
 667 students with an Individualized Education Program, the student's Individualized Education
 668 Program team shall determine appropriate participation in assessments and identify

669 necessary accommodations in accordance with the federal Individuals with Disabilities
670 Education Act and state board regulations.

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

677 (h) The State Board of Education, through the Department of Education, shall administer
678 the end-of-course assessments for core subject areas as defined by state board policy. The
679 state board shall promulgate a schedule for the development and administration of all
680 end-of-course tests. By the 2015-2016 school year, the State Board of Education shall
681 make all end-of-course assessments available online and shall establish rules and
682 regulations to maximize the number of students and school systems utilizing such online
683 assessments.

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

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

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

697 (k)(~~+~~) In addition to the assessment instruments adopted by the State Board of Education
698 and administered by the Department of Education, a local school system may adopt and
699 administer criterion-referenced or norm-referenced assessment instruments, or both, at
700 any grade level. Such locally adopted assessment instruments may not replace the state's
701 adopted assessment instruments for purposes of state accountability programs, except as
702 otherwise provided in paragraph (2) of this subsection. A local school system shall be
703 responsible for all costs and expenses incurred for locally adopted assessment
704 instruments. Students with Individualized Education Programs must be included in the

705 locally adopted assessments or provided an alternate assessment in accordance with the
706 federal Individuals with Disabilities Education Act.

707 ~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal~~
708 ~~Year 2003 to local boards of education exempting said boards from the administration~~
709 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~
710 ~~grade levels for which the local board of education implements a locally developed~~
711 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum which~~
712 ~~increases the expectations for student achievement beyond that of the applicable state~~
713 ~~criterion-referenced competency test or tests and meets all other requirements of this~~
714 ~~Code section, including reliability and validity requirements, with the exception of~~
715 ~~subsection (g) of this Code section. Local boards of education with such waivers shall~~
716 ~~submit to the State Board of Education school and local school system score reports of~~
717 ~~the locally developed criterion-referenced competency tests.~~

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

725 (m) The results of individual student performance on academic skills assessment
726 instruments administered under this Code section shall be confidential and may be released
727 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
728 20 U.S.C. Section 1232g.

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

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

737 (p) Teachers in grades one through 12 shall be offered the opportunity to participate
738 annually in a staff development program on the use of tests within the instructional
739 program designed to improve students' academic achievement. This program shall instruct
740 teachers on curriculum alignment related to tests, disaggregated student test data to identify

741 student academic weaknesses by subtests, and other appropriate applications as determined
742 by the State Board of Education.

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

752

SECTION 26.

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

755 "20-2-290.

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

765 (~~2~~)(b) The board of education of any local school system shall be authorized to employ
766 school administrative managers in lieu of or in addition to assistant principals. Such
767 school administrative managers shall not be required to be certificated by the Professional
768 Standards Commission but shall have such qualifications as determined by the local
769 board with a minimum requirement of a bachelor's degree or satisfactory business
770 experience. The duties of school administrative managers shall be to oversee and manage
771 the financial and business affairs of the school. The principal shall retain authority over
772 the curriculum and instructional areas. The school administrative manager shall report
773 directly to the principal. In the event that a local board considers hiring or utilizing
774 school administrative managers pursuant to this subsection, it shall receive and give all
775 due consideration to recommendations by the school council as to whether or not to
776 utilize such position and as to selection of the manager. Existing employees of the local

777 board shall be eligible to serve as school administrative managers if they meet other
 778 qualifications and requirements established by the local board for such position. For
 779 purposes of earning funds for such positions, school administrative managers shall be
 780 treated in all respects the same as assistant principals.

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

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

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

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

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

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

798 **SECTION 27.**

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

801 "(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to
 802 ~~inaugurate~~ continue and administer an honors program for students in the public and
 803 private high schools of this state and for resident students who attend a home ~~school~~ study
 804 program who have manifested exceptional abilities or unique potentials or who have made
 805 exceptional academic achievements. This program shall be conducted during summer
 806 months between normal school year terms at institutions of higher learning or other
 807 appropriate centers within this state with facilities adequate to provide challenging
 808 opportunities for advanced study and accomplishments by such students. The student
 809 honors program shall be implemented and operated in accordance with criteria established
 810 by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the
 811 ~~state board~~ Office of Student Achievement from funds made available for this purpose by
 812 the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to

813 enter into cooperative agreements with the Board of Regents of the University System of
814 Georgia for operating and sharing the costs of such programs."

815 **SECTION 28.**

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

819 "20-2-314.

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

829 **SECTION 29.**

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

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

835 **SECTION 30.**

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

838 "20-2-319.1.

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

843 The State Board of Education is authorized to promulgate rules and regulations pertaining
844 to the Georgia Virtual School. Such rules and regulations, if established, shall include, at
845 a minimum, a process for students to enroll in Georgia Virtual School courses and a
846 process whereby a student's grade in the course is reported on the student's transcript. All

847 teachers who provide instruction through the Georgia Virtual School shall be certified by
 848 the Professional Standards Commission. A local school system shall not prohibit any
 849 student from taking a course through the Georgia Virtual School, regardless of whether the
 850 school in which the student is enrolled offers the same course.

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

859 (2) The local school system shall pay to the department costs for tuition, materials, and
 860 fees directly related to the approved course taken by a student in its school system
 861 through the Georgia Virtual School; provided, however, that in no event shall the amount
 862 of tuition charged to and paid by the local school system on behalf of such student exceed
 863 \$250.00 per student per semester course; and provided, further, that if a student
 864 participates in courses through the Georgia Virtual School that are in excess of the
 865 maximum number of courses a student may be enrolled in during a school day, such
 866 student shall be subject to the cost of tuition not to exceed \$250.00 per student per
 867 semester course.

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

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

878 SECTION 31.

879 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 880 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
 881 follows:

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

884 **SECTION 32.**

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

888 "20-2-319.4.

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

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

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

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

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

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

911 ~~(2)(3)~~ Enter into a contract with ~~an approved a~~ a provider ~~under subsection (c) of this Code~~
912 ~~section~~ for the provision of a full-time program under paragraph (1) of subsection (a) of
913 this Code section or a part-time program under paragraph (2) of subsection (a) of this
914 Code section; or

915 ~~(3)(4)~~ Enter into an agreement with another local school system or systems to allow the
916 participation of its students in an approved virtual instruction program provided by such

917 other local school system or systems. The agreement shall indicate a process for the
918 transfer of funds.

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

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

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

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

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

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

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

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

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

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

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

946 ~~(D) Teacher-student ratios;~~

947 ~~(E) Student completion and promotion rates; and~~

948 ~~(F) Student, educator, and school performance accountability outcomes.~~

949 ~~(d) An approved provider shall retain its approved status for a period of five years after the~~
950 ~~date of the department's approval pursuant to subsection (c) of this Code section as long~~
951 ~~as the provider continues to comply with all requirements of this Code section; provided,~~
952 ~~however, that each provider approved by the department for the 2013-2014 school year~~

953 ~~shall reapply for approval to provide a part-time program for students in grades three~~
 954 ~~through 12.~~
 955 ~~(e)(c)~~ Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code
 956 section with an approved a provider shall at a minimum set forth a detailed curriculum plan
 957 that illustrates how students will be provided services for, and be measured for attainment
 958 of, proficiency in state ~~curriculum~~ requirements for content standards for each grade level
 959 and subject."

960 **SECTION 33.**

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

964 **SECTION 34.**

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

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

974 **SECTION 35.**

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

977 "(1) Provide focused programs of study which are designed to provide a well-rounded
 978 education for students by fostering artistic creativity, critical thinking, and self-discipline
 979 through the teaching of academic content, knowledge, and skills that students will use in
 980 the workplace, further education, and life. The focused programs of study, whether
 981 provided at a choice technical high school, a college and career academy, a traditional
 982 high school, or on site at a technical school or college or a public college or university,
 983 shall be aligned with graduation requirements established by the State Board of Education
 984 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this
 985 article, including, at a minimum, four years of mathematics, Algebra I and higher, and

986 four years of English, with an emphasis on developing reading and writing skills to meet
 987 college and career readiness standards;"

988 **SECTION 36.**

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

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

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

998 (2) The declaration shall include a list of the names and ages of the students who are
 999 enrolled in the home study program, the address where the home study program is
 1000 located, the local school system in which the home study program is located, and a
 1001 statement of the 12 month period that is to be considered the school year for that home
 1002 study program. Enrollment records and reports shall not be used for any purpose except
 1003 providing necessary enrollment information, except with the permission of the parent or
 1004 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

1005 (3) Parents or guardians may teach only their own children in the home study program,
 1006 provided the teaching parent or guardian possesses at least a high school diploma or a
 1007 general educational development diploma, but the parents or guardians may employ a
 1008 tutor who holds a high school diploma or a general educational development diploma to
 1009 teach such children;

1010 (4) The home study program shall provide a basic academic educational program which
 1011 includes, but is not limited to, reading, language arts, mathematics, social studies, and
 1012 science;

1013 (5) The home study program must provide instruction each 12 months to home study
 1014 students equivalent to 180 school days of education with each school day consisting of
 1015 at least four and one-half school hours unless the child is physically unable to comply
 1016 with the rule provided for in this paragraph;

1017 (6) The parent or guardian shall have the authority to execute any document required by
 1018 law, rule, regulation, or policy to evidence the enrollment of a child in a home study
 1019 program, the student's full-time or part-time status, the student's grades, or any other
 1020 required educational information. This shall include, but not be limited to, documents for
 1021 purposes of verification of attendance by the Department of Driver Services, for the

1022 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
 1023 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
 1024 required to apply for the receipt of state or federal public assistance;

1025 (7) Students in home study programs shall be subject to an appropriate nationally
 1026 standardized testing program administered in consultation with a person trained in the
 1027 administration and interpretation of norm reference tests to evaluate their educational
 1028 progress at least every three years beginning at the end of the third grade and records of
 1029 such tests and scores shall be retained but shall not be required to be submitted to public
 1030 educational authorities; and

1031 (8) The home study program instructor shall write an annual progress assessment report
 1032 which shall include the instructor's individualized assessment of the student's academic
 1033 progress in each of the subject areas specified in paragraph (4) of this subsection, and
 1034 such progress reports shall be retained by the parent, parents, or guardian of children in
 1035 the home study program for a period of at least three years."

1036 **SECTION 37.**

1037 Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating
 1038 to contributions by employees, state, and local employers and withholding or deducting
 1039 employees' contributions for health insurance for public school teachers, as follows:

1040 "(b) As the local employer's share, the local employer shall contribute to the health
 1041 insurance fund such portion of the cost of such benefits as may be established by the
 1042 Governor and the board and, in addition thereto, an amount to be established by the board
 1043 to defray the cost of administration. The board shall determine whether such portion shall
 1044 be determined based upon a percentage of the total outlay for the salaries of teachers
 1045 employed by the local employer or determined on an amount per employee electing
 1046 coverage under the plan based on the coverage elected, in accordance with the
 1047 appropriation of funds. If a local employer fails to remit the employer's share as calculated
 1048 by the commissioner, as provided in this Code section, it shall be the duty of the
 1049 commissioner to notify the State Board of Education of such failure and it shall be the duty
 1050 of the State Board of Education to, with reasonable promptness, withhold from the
 1051 employer which has failed to comply ~~all appropriations allotted to such employer until such~~
 1052 ~~employer has fully complied with the provisions of this Code section by making remittance~~
 1053 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully
 1054 satisfy the outstanding obligation of the local employer to the health insurance fund. Such
 1055 withheld funds shall be promptly transmitted by the state board to the Department of
 1056 Community Health."

SECTION 38.

1057

1058 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating
 1059 to withholding or deducting employees' contributions for health insurance for public school
 1060 employees, as follows:

1061 "(b) The Department of Education and local school systems shall contribute to the health
 1062 insurance fund such portion of the costs of such benefits as may be established by the board
 1063 to maintain the employee contributions consistent with other health insurance plans
 1064 administered by the board. In the event that the commissioner shall determine that a local
 1065 employer has failed to contribute the full amount of such portion, as calculated by the
 1066 commissioner, it shall be the duty of the commissioner to notify the State Board of
 1067 Education of such failure and it shall be the duty of the State Board of Education to, with
 1068 reasonable promptness, withhold from the employer which has failed to comply ~~all~~
 1069 ~~appropriations allotted to such employer until such employer has fully complied with the~~
 1070 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state
 1071 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the
 1072 local employer to the health insurance fund. Such withheld funds shall be promptly
 1073 transmitted by the state board to the Department of Community Health."

SECTION 39.

1074

1075 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating
 1076 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth
 1077 consecutive school year, as follows:

1078 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school
 1079 year from the same local board of education may be demoted or the teacher's contract
 1080 may not be renewed only for those reasons set forth in subsection (a) of Code Section
 1081 20-2-940.

1082 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year
 1083 contract for the fourth or subsequent consecutive school year from the same local board
 1084 of education, the teacher must be given written notice of the intention to demote or not
 1085 renew the contract of the teacher. Such notice shall be given by certified mail or statutory
 1086 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice
 1087 shall contain a conspicuous statement in substantially the following form:

1088 You have the right to certain procedural safeguards before you can be demoted or
 1089 dismissed. These safeguards include the right to notice of the reasons for the action
 1090 against you and the right to a hearing. If you desire these rights you must send to the
 1091 school superintendent by certified mail or statutory overnight delivery a statement that
 1092 you wish to have a hearing; and such statement must be mailed to the school

1093 superintendent within 20 days after this notice was mailed to you. Your rights are
 1094 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and
 1095 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

1096 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code
 1097 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.

1098 A teacher who is so notified that he or she is to be demoted or that his or her contract will
 1099 not be renewed has the right to the procedures set forth in subsections (b) through (f) of
 1100 Code Section 20-2-940 before the intended action is taken. A teacher who has the right
 1101 to these procedures must serve written notice on the superintendent of the local board
 1102 employing the teacher within 20 days of the day the notice of the intended action is
 1103 served that he or she requests a hearing. In order to be effective, such written notice that
 1104 the teacher requests implementation of such procedures must be served by certified mail
 1105 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.
 1106 Within 14 days of service of the request to implement the procedures, the local board
 1107 must furnish the teacher a notice that complies with the requirements of subsection (b)
 1108 of Code Section 20-2-940.

1109 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,
 1110 while the teacher is serving under the third consecutive school year contract, the local
 1111 board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew
 1112 the teacher's contract for the ensuing school year, and the teacher does not serve notice
 1113 in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school
 1114 year that he or she does not accept the fourth consecutive school year contract.

1115 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection
 1116 who is subsequently employed by another local board of education and who accepts a
 1117 second consecutive school year contract from the local board at which the teacher is
 1118 subsequently employed may be demoted or the teacher's contract may not be renewed
 1119 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The
 1120 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a
 1121 teacher.

1122 (5) A teacher is deemed to have accepted a second consecutive school year contract if,
 1123 while the teacher is serving under the first school year contract, the local board does not
 1124 serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's
 1125 contract for the ensuing school year, and the teacher does not serve notice in writing on
 1126 the local board of education by ~~May 1~~ June 1 of the first school year that he or she does
 1127 not accept the second consecutive school year contract.

1128 (6) Local boards shall make contract offers available to teachers for a minimum ten-day
 1129 review period. A teacher accepts the contract by signing and returning it any time during
 1130 the ten-day period.

1131 (7)(A) Professional certificated personnel employed by a county or independent local
 1132 school system that becomes consolidated with or merged into another county or
 1133 independent local school system as provided in Article 8 of this chapter or otherwise
 1134 shall retain their employment, except as provided in subparagraph (B) of this paragraph,
 1135 in the newly created, or surviving, school system. Said professional certificated
 1136 personnel shall retain and carry over all the rights already accrued and earned in the
 1137 professional certificated personnel's prior school system and as set forth in this
 1138 paragraph.

1139 (B) Any reductions in staff due to loss of students or cancellation of programs in the
 1140 newly created, or surviving, school system necessitated by the consolidation or merger
 1141 shall be made first in preference of retaining professional certificated personnel on the
 1142 basis of uniformly applied criteria set forth in local school board policies of the newly
 1143 created, or surviving, school system."

1144 **SECTION 40.**

1145 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,
 1146 relating to local board tribunals to determine school law controversies, appeals, and special
 1147 provisions for disabled children, as follows:

1148 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue
 1149 after a hearing shall have the right to appeal therefrom to the State Board of Education.
 1150 The appeal shall be in writing and shall distinctly set forth the question in dispute, the
 1151 decision of the local board, and a concise statement of the reasons why the decision is
 1152 complained of; and the party taking the appeal shall also file with the appeal a transcript
 1153 of testimony certified as true and correct by the local school superintendent. The appeal
 1154 shall be filed with the superintendent within 30 days of the decision of the local board, and
 1155 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
 1156 appeal together with the transcript of evidence and proceedings, the decision of the local
 1157 board, and other matters in the file relating to the appeal to the state board. The state board
 1158 shall adopt regulations governing the procedure for hearings before the local board and
 1159 proceedings before it. The state board may affirm, reverse, or remand the local board
 1160 decision or may refer the matter to mediation."

SECTION 41.

1161
 1162 Said chapter is further amended by revising subsection (b) of Code Section 20-2-2065,
 1163 relating to waiver of provisions of Title 20, as follows:

1164 "(b) In determining whether to approve a charter petition or renew an existing charter, the
 1165 local board and state board shall ensure that a charter school, or for charter systems, each
 1166 school within the system, shall be:

1167 (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based,
 1168 provided that a charter school's nonprofit status shall not prevent the school from
 1169 contracting for the services of a for profit entity and that nothing in this Code section
 1170 shall preclude the use of computer and Internet based instruction for students in a virtual
 1171 or remote setting;

1172 (2) Subject to the control and management of the local board of the local school system
 1173 in which the charter school is located, as provided in the charter and in a manner
 1174 consistent with the Constitution, if a local charter school;

1175 (3) Subject to the supervision of the state board, as provided in the charter and in a
 1176 manner consistent with the Constitution, if a state chartered special school;

1177 (4) Organized and operated as a nonprofit corporation under the laws of this state;
 1178 provided, however, that this paragraph shall not apply to any charter petitioner that is a
 1179 local school, local school system, or state or local public entity;

1180 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
 1181 relating to civil rights; insurance; the protection of the physical health and safety of
 1182 school students, employees, and visitors; conflicting interest transactions; and the
 1183 prevention of unlawful conduct; provided, however, that if:

1184 (A) A facility used for a charter school is owned or operated by any state agency or
 1185 entity, and such facility or equipment purchased or used by the facility meets the safety
 1186 standards of the state agency or entity that owns or operates such facility; or

1187 (B) A facility used for a charter school is owned by a local educational agency and
 1188 operated utilizing standards of a state agency or entity, and such facility or equipment
 1189 purchased or used by the facility meets the safety standards of the state agency or entity
 1190 with respect to structural soundness and sufficient maintenance,

1191 the facility or equipment or both shall be deemed to meet the safety requirements of this
 1192 paragraph; provided, further, that in no event shall the state agency or entity or local
 1193 educational agency owner or operator of a charter school with such facility or equipment
 1194 be disqualified from eligibility for state grants or for federal grants awarded pursuant to
 1195 state regulations due to such facility or equipment;

1196 (6) Subject to all laws relating to unlawful conduct in or near a public school;

1197 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in
 1198 the charter, by an independent certified public accountant licensed in this state; provided,
 1199 however, that a separate audit shall not be required for a charter school if the charter
 1200 school is included in the local school system audit conducted by the state auditor pursuant
 1201 to Code Section 50-6-6;

1202 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
 1203 provisions shall apply with respect to charter schools whose charters are granted or
 1204 renewed on or after July 1, 2000;

1205 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
 1206 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

1207 (10) Subject to the requirement that it shall not charge tuition or fees to its students
 1208 except as may be authorized for local boards by Code Section 20-2-133;

1209 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
 1210 quiet reflection;

1211 (12) Subject to the provisions of Code Section 20-2-210 relating to annual performance
 1212 evaluations;

1213 (13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and
 1214 criminal background checks; and

1215 ~~(13)~~(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating
 1216 to individual graduation plans."

1217 **SECTION 42.**

1218 Said chapter is further amended in Code Section 20-2-2067.1, relating to amendment of
 1219 terms of charter for charter schools, initial term of charter, and annual report by revising the
 1220 introductory language of subsection (c) as follows:

1221 "(c) Each start-up and conversion charter school and each charter system shall submit an
 1222 annual report outlining the previous year's progress to the authorizing local board or state
 1223 board, as appropriate; to parents and guardians of students enrolled in the school, or, for
 1224 a charter system, to parents and guardians of students enrolled in school within the local
 1225 school system; and to the Department of Education no later than ~~October 1~~ November 1
 1226 of each year. The report submitted by a charter system shall include, but not limited to,
 1227 data on all of its system charter schools. The report shall contain, but is not limited to:"

SECTION 43.

1228
 1229 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section
 1230 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 1231 membership, and annual training, as follows:

1232 "(2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1233 shall concurrently submit such petition to the commission, to the local board of education
 1234 in which the school is proposed to be located, and to each local school system from which
 1235 the proposed school plans to enroll students. The commission shall not act on a petition
 1236 unless the local board of education in which the school is proposed to be located denies
 1237 the petition; provided, however, that such local board shall approve or deny the petition
 1238 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of
 1239 Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve
 1240 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall
 1241 be deemed a denial for purposes of this paragraph. A local board that has denied a
 1242 petition for a state charter school shall be permitted to present to the commission in
 1243 writing or in person the reasons for denial and the deficiencies in such petition resulting
 1244 in such denial."

SECTION 44.

1245
 1246 Said chapter is further amended by revising subsection (a) of Code Section 20-2-2089,
 1247 relating to funding for state charter schools, as follows:

1248 "(a)(1) The earnings for a student in a state charter school shall be equal to the earnings
 1249 for any other student with similar student characteristics in a state charter school,
 1250 regardless of the local school system in which the student resides or the school system
 1251 in which the state charter school is located, and, except as otherwise provided in
 1252 paragraph (2) of this subsection, the department shall pay to each state charter school
 1253 through appropriation of state funds an amount equal to the sum of:

1254 (A)(i) QBE formula earnings and QBE grants earned by the state charter school
 1255 based on the school's enrollment, school profile, and student characteristics. For
 1256 purposes of this subparagraph, the term 'QBE formula earnings' means funds earned
 1257 for the Quality Basic Education Formula pursuant to Code Section 20-2-161,
 1258 including the portion of such funds that are calculated in accordance with Code
 1259 Section 20-2-164. QBE formula earnings shall include the salary portion of direct
 1260 instructional costs, the adjustment for training and experience, the nonsalary portion
 1261 of direct instructional costs, and earnings for psychologists and school social workers,
 1262 school administration, facility maintenance and operation, media centers, additional

1263 days of instruction in accordance with Code Section 20-2-184.1, and staff
1264 development, as determined by the department.

1265 (ii) A proportional share of earned state categorical grants, non-QBE state grants,
1266 transportation grants, school nutrition grants, and all other state grants, except state
1267 equalization grants, as determined by the department;

1268 (B) The average amount of the total revenues less federal revenues less state revenues
1269 other than equalization grants per full-time equivalent for the lowest five school
1270 systems ranked by assessed valuation per weighted full-time equivalent count, as
1271 determined by the department; and

1272 (C) The state-wide average total capital revenue per full-time equivalent, as determined
1273 by the department.

1274 (2) In the event that a state charter school offers virtual instruction:

1275 (A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of
1276 this subsection shall be equal to two-thirds of such calculated amount; provided,
1277 however, that this two-thirds amount may be increased by any amount up to the
1278 originally calculated amount in the discretion of the commission if relevant factors
1279 warrant such increase; and

1280 (B) The commission may reduce the amount of funds received pursuant to
1281 subparagraph (C) of paragraph (1) of this subsection ~~in proportion to the amount of~~
1282 ~~virtual instruction provided and based on factors that affect the cost of providing~~
1283 ~~instruction on a proportional basis if the school fails to provide documentation~~
1284 ~~confirming its capital expenditures per full-time equivalent are greater than or equal to~~
1285 ~~the state-wide average.~~

1286 (3) Any funds deducted from a state charter school pursuant to Code Section 20-2-164,
1287 representing the equivalent of a local school system's five mill share, shall be calculated
1288 based only on funds received pursuant to subparagraph (B) of paragraph (1) of this
1289 subsection. For a state charter school that offers virtual instruction, the amount of the
1290 deduction shall be reduced by one-third, unless the commission has increased the school's
1291 calculated amount pursuant to subparagraph (A) of paragraph (2) of this subsection, in
1292 which case the deduction shall be proportionate to the amount of funding received.

1293 ~~(3)~~(4) For purposes of this subsection, the terms:

1294 (A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax
1295 digest reduced by the amount calculated pursuant to subsection (g) of Code Section
1296 20-2-164.

1297 (B) 'Assessed valuation per weighted full-time equivalent count' is defined as the
1298 assessed valuation for the most recent year available divided by the weighted full-time
1299 equivalent count for the year of the digest."

1300

SECTION 45.

1301 An Act to provide in all counties of 500,000 or more population according to the United
1302 States Census of 1960 or any future United States Census that the pension board of the board
1303 of education in such counties shall recompute the pension paid to those teachers and
1304 employees who had retired as a matter of right prior to April 1, 1955, and who had been
1305 awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963,
1306 p. 2469), is repealed in its entirety.

1307

SECTION 46.

1308 All laws and parts of laws in conflict with this Act are repealed.