

The House Committee on Education offers the following substitute to HB 502:

A BILL TO BE ENTITLED  
AN ACT

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

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

**SECTION 1A.**

Said chapter is further amended by revising subsection (b) of Code Section 20-2-80, relating to requests for increased flexibility, as follows:

"(b) A local school system may elect not to request increased flexibility in exchange for increased accountability and defined consequences and ~~opt elect~~ to remain under all current laws, rules, regulations, policies, and procedures, and such local school system shall:

(1) Conduct a public hearing for the purpose of providing public notice that such local school system is ~~opting for the status quo~~ electing not to request increased flexibility pursuant to this article. The public hearing shall be advertised in a local newspaper of general circulation which shall be the same newspaper in which other legal announcements of the local board of education are advertised; and

(2) Sign a statement on a form provided by the state board that such local school system is ~~opting for the status quo~~ electing not to request increased flexibility pursuant to this article."

**SECTION 1B.**

Said chapter is further amended in Code Section 20-2-81, relating to strategic plan and proposed contract for local school systems requesting flexibility, by adding a new subsection to read as follows:

"(f) A local school system which elects to request increased flexibility pursuant to this article shall be known as a strategic school system."

**SECTION 2.**

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

"(e) The state board shall be authorized to approve a waiver or variance request of specifically identified state rules, regulations, policies, and procedures or provisions of this chapter upon the inclusion of such request in the local school system's proposed contract and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver and variance shall be improvement of student performance. The state board shall not be

59 authorized to waive or approve variances on any federal, state, and local rules, regulations,  
60 court orders, and statutes relating to civil rights; insurance; the protection of the physical  
61 health and safety of school students, employees, and visitors; conflicting interest  
62 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in  
63 or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or  
64 Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of  
65 Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327.  
66 A local school system that has received a waiver or variance shall remain subject to the  
67 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not  
68 charge tuition or fees to its students except as may be authorized for local boards by Code  
69 Section 20-2-133, and shall remain open to enrollment in the same manner as before the  
70 waiver request."

#### 71 SECTION 2A.

72 Said chapter is further amended by revising Code Section 20-2-84.3, relating to a limit on  
73 the number of local school systems entering into a flexibility contract, as follows:

74 "20-2-84.3.

75 ~~(a) No more than five local school systems in the first calendar year may enter into a~~  
76 ~~contract with the State Board of Education pursuant to this article.~~

77 ~~(b)~~ No later than June 30, 2015, each local school system shall either notify the department  
78 of its intention to ~~request increased flexibility~~ become a strategic school system pursuant  
79 to this article or shall comply with subsection (b) of Code Section 20-2-80, electing not to  
80 request increased flexibility pursuant to this article."

#### 81 SECTION 3.

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

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

**SECTION 4.**

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

"20-2-140.

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

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

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

**SECTION 5.**

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

"20-2-140.1.

The State Board of Education shall establish rules and regulations to maximize the number of students, beginning with students entering ninth grade in the 2014-2015 school year, who complete prior to graduation at least one course containing online learning. This shall

be met through an online course offered by the Georgia Virtual School established pursuant to Code Section 20-2-319.1, through the clearing-house established pursuant to Code Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary institution, or through a provider ~~approved~~ pursuant to ~~subsection (c) of~~ Code Section 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction program pursuant to Code Section 20-2-319.4."

## SECTION 6.

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

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

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

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

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

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

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year

in which such course or courses are ordinarily offered. The State Board of Education is authorized to provide for exemptions to the required course of study for such students and for students whose parent or parents serve in the armed forces of the United States."

#### SECTION 7.

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

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

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

**SECTION 8.**

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

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

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

**SECTION 9.**

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

"20-2-159.1.

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

- (1) Agriculture, food, and natural resources;
- (2) Architecture and construction;
- (3) Arts, audio-video technology, and communications;

(4) Business, management, and administration;

(5) Education and training;

(6) Finance;

(7) Health science;

(8) Hospitality and tourism;

(9) Human services;

(10) Information technology;

(11) Law, public safety, and security;

(12) Manufacturing;

(13) Government and public administration;

(14) Marketing, sales, and service;

(15) Science, technology, engineering, and mathematics; and

(16) Transportation, distribution, and logistics.

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

#### SECTION 10.

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

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

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

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

#### SECTION 11.

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

"(a) The ~~competencies and curricula~~ content standards established for career, technical, and agricultural education courses pursuant to Code Section 20-2-140 shall include embedded standards in academic core subject areas, as appropriate. In establishing such ~~competencies and curricula~~ content standards, the state board shall work to ensure that the coursework



meets postsecondary requirements for acceptance of credit for such coursework at the postsecondary level. Such courses shall be taught by a highly qualified teacher in the academic content and trained or experienced in contextualized learning using project based methods; by a highly qualified career, technical, and agricultural education teacher who has completed a state-approved training program to strengthen academic content and has passed a state-approved exam for demonstrating mastery of academic content; or by a team made up of a highly qualified teacher in the academic content and a highly qualified career, technical, and agricultural education teacher working together to teach the course."

## SECTION 12.

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

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career, technical, and agricultural education laboratory program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more ~~student competencies~~ content standards as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course

pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

### SECTION 13.

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

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

(1) Kindergarten program	1.6508
	weight and
	1 to 15
	ratio
(2) Kindergarten early intervention program	2.0348
	weight and
	1 to 11
	ratio
(3) Primary grades program (1-3)	1.2849
	weight and
	1 to 17
	ratio

332	(4) Primary grades early intervention program (1-3) .....	1.7931
333		weight and
334		1 to 11
335		ratio
336	(5) Upper elementary grades program (4-5) .....	1.0355
337		weight and
338		1 to 23
339		ratio
340	(6) Upper elementary grades early intervention program (4-5) .....	1.7867
341		weight and
342		1 to 11
343		ratio
344	<del>(7) Middle grades program (6-8) .....</del>	<del>1.0186</del>
345		<del>weight and</del>
346		<del>1 to 23</del>
347		<del>ratio</del>
348	<del>(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .</del>	1.1310
349		weight and
350		1 to 20
351		ratio
352	<del>(9)(8)</del> High school general education program (9-12) .....	1.0000
353		weight and
354		1 to 23
355		ratio
356	<del>(10)(9)</del> Career, technical, and agricultural education	1.1916
357	laboratory program (9-12) .....	weight and
358		1 to 20
359		ratio

360	<del>(11)</del> <u>(10)</u> Program for persons with disabilities:	
361	Category I .....	2.3798
362		weight and
363		1 to 8
364		ratio
365	<del>(12)</del> <u>(11)</u> Program for persons with disabilities:	
366	Category II .....	2.7883
367		weight and
368		1 to 6.5
369		ratio
370	<del>(13)</del> <u>(12)</u> Program for persons with disabilities:	
371	Category III .....	3.5493
372		weight and
373		1 to 5
374		ratio
375	<del>(14)</del> <u>(13)</u> Program for persons with disabilities:	
376	Category IV .....	5.7509
377		weight and
378		1 to 3
379		ratio
380	<del>(15)</del> <u>(14)</u> Program for persons with disabilities:	
381	Category V .....	2.4511
382		weight and
383		1 to 8
384		ratio
385	<del>(16)</del> <u>(15)</u> Program for intellectually gifted students:	
386	Category VI .....	1.6589
387		weight and
388		1 to 12
389		ratio

390	<del>(17)</del> <u>(16)</u> Remedial education program . . . . .	1.3087
391		weight and
392		1 to 15
393		ratio
394	<del>(18)</del> <u>(17)</u> Alternative education program . . . . .	1.4711
395		weight and
396		1 to 15
397		ratio
398	<del>(19)</del> <u>(18)</u> English for speakers of other languages (ESOL) program . . . . .	2.5049
399		weight and
400		1 to 7
401		ratio

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

407 **SECTION 14.**

408 Said chapter is further amended by revising Code Section 20-2-181, relating to calculation  
409 of program weights to reflect base size school, as follows:  
410 "20-2-181.  
411 The calculation of all program weights shall reflect a base size local school system of 3,300  
412 full-time equivalent students. The calculation of program weights for the kindergarten  
413 program, the kindergarten early intervention program, the primary grades (1-3) early  
414 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)  
415 early intervention program, and the upper elementary grades (4-5) program shall reflect a  
416 base school size of 450 full-time equivalent students. The calculation of program weights  
417 for the ~~middle grades (6-8) program, the~~ middle school (6-8) program, the special  
418 education programs, the remedial education program, and the English for speakers of other  
419 languages program shall reflect a base school size of 624 full-time equivalent students.  
420 The calculation of ~~the~~ program weights for the high school general education program and  
421 the high school career, technical, and agricultural education laboratory program shall

reflect a base school size of 970 full-time equivalent students. The calculation of program weights for the alternative education program shall reflect a base school size of 100 full-time equivalent students, except that the calculations for secretaries and media personnel shall reflect a base school size of 624 full-time equivalent students."

**SECTION 15.**

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

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

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

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

(A) Kindergarten program (without full-time aide) . . . . .	18
(B) Kindergarten program (with full-time aide) . . . . .	20
(C) Primary grades program (1-3) . . . . .	21

457	(D) Upper elementary grades program (4-5) . . . . .	28
458	(E) Middle <del>grades program (6-8) and middle school program (6-8) as</del>	
459	<del>defined in Code Section 20-2-290 . . . . .</del>	28
460	For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only,	
461	the system average maximum class size for each instructional program covered under this	
462	paragraph shall be the same as the maximum individual class size for each such program,	
463	and local boards of education shall be considered in compliance with this paragraph so	
464	long as the system average maximum class size is not exceeded; provided, however, that	
465	if the State Board of Education approves a blanket waiver or variance pursuant to	
466	subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be	
467	the system average maximum class sizes for purposes of this paragraph."	

## 468 SECTION 16.

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

471 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,  
472 primary grades early intervention, upper elementary, upper elementary grades early  
473 intervention, ~~middle grades~~, middle school, and remedial programs and the program  
474 weights for the high school programs authorized pursuant to paragraph (4) of subsection  
475 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
476 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
477 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
478 funds shall be used for addressing the academic needs of low-performing students with  
479 programs including, but not limited to, instructional opportunities for students beyond the  
480 regular school day, Saturday classes, intersession classes, summer school classes, and  
481 additional instructional programs during the regular school day. Following the midterm  
482 adjustment, the state board shall issue allotment sheets for each local school system. Each  
483 local school system shall spend 100 percent of the funds designated for additional days of  
484 instruction for such costs at the system level, which may include transportation costs  
485 incurred for transporting students who are attending additional classes funded by these  
486 designated funds."

## 487 SECTION 17.

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

490 "(a) Subject to appropriations by the General Assembly, the State Board of Education shall  
491 provide professional development centered on state-wide strategic initiatives. Such

492 strategic initiatives may include, but are not limited to, training on ~~the new common core~~  
493 ~~curriculum content standards~~, support for under-performing educators, and mentoring  
494 programs in specific subject areas."

495 **SECTION 18.**

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

499 "(a) The Professional Standards Commission shall provide, by regulation, for certifying  
500 and classifying all certificated professional personnel employed in the public schools of  
501 this state, including personnel who provide virtual instruction to public schools of this state,  
502 whether such personnel are located within or outside of this state or whether such personnel  
503 are employed by a local unit of administration. No such personnel shall be employed in  
504 the public schools of this state unless they hold certificates issued by the commission  
505 certifying their qualifications and classification in accordance with such regulations. The  
506 commission shall establish such number of classifications of other certificated professional  
507 personnel as it may find reasonably necessary or desirable for the operation of the public  
508 schools; provided, however, that such classifications shall be based only upon academic,  
509 technical, and professional training, experience, and competency of such personnel. The  
510 commission is authorized to provide for denying a certificate to an applicant, suspending  
511 or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause  
512 after an investigation is held and notice and an opportunity for a hearing are provided the  
513 certificate holder or applicant in accordance with subsection (d) of Code Section  
514 20-2-984.5. The commission shall designate and define the various classifications of  
515 professional personnel employed in the public schools of this state that shall be required  
516 to be certificated under this Code section or under Code Section 20-2-206. Without  
517 limiting the generality of the foregoing, the term 'certificated professional personnel' is  
518 defined as all professional personnel certificated by the commission and county or regional  
519 librarians."

520 **SECTION 19.**

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

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



**SECTION 20.**

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

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

**SECTION 21.**

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

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

**SECTION 22.**

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

"20-2-244.1.

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

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

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

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

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

(b) Except as provided in subsection (f) of this Code section, the State Board of Education is authorized to grant a variance or waiver to a rule when a student subject to that rule

demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

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

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

(2) The type of action requested;

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

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

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

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

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

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

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

**SECTION 23.**

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

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

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

**SECTION 24.**

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

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

**SECTION 25.**

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

"20-2-281.

(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such ~~assessments~~ instruments. The State Board of Education shall review, revise, and upgrade the ~~quality core-curriculum~~ content standards. Following the adoption of ~~this revised curriculum~~ such content standards, the State Board of Education shall contract for development of ~~criterion-referenced~~

~~competency tests~~ end-of-grade assessments to measure the ~~quality core curriculum content~~ standards. Such tests in English, ~~and language arts/reading, and;~~ mathematics, ~~and reading~~ shall be administered annually to students in grades ~~three~~ one through eight, and such tests in science and social studies shall be administered annually to students in grades three through eight. These tests shall contain features that allow for comparability to other states with whom establishing such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. ~~A curriculum-based assessment shall be administered in grade 11 for graduation purposes.~~ Writing assessments performance shall be administered to assessed, at a minimum, for students in grades three, five, eight, and 11 and may be assessed for students in additional grade levels as designated by the State Board of Education. ~~The writing assessments~~ Writing performance results shall provide be provided to students and their parents with performance outcome measures resulting from the administration of such tests.

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

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

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

668 (c) The State Board of Education shall have the authority to condition the awarding of a  
669 high school diploma to a student upon achievement of satisfactory scores on instruments  
670 ~~or tests~~ adopted and administered by the state board pursuant to subsection (a) of this Code  
671 section and the end-of-course assessments adopted and administered by the state board  
672 pursuant to subsections (f) and (h) of this Code section. The state board is authorized and  
673 directed to adopt regulations providing that any disabled child, as defined by the provisions  
674 of this article, shall be afforded opportunities to take any test adopted by the state board as  
675 a condition for the awarding of a high school diploma. ~~Said~~ Such regulations shall further  
676 provide for appropriate accommodations in the administration of such test. ~~Said~~ Such  
677 regulations shall further provide for the awarding of a special education diploma to any  
678 disabled student who is lawfully assigned to a special education program and who does not  
679 achieve a passing score on ~~said~~ such test or who has not completed all of the requirements  
680 for a high school diploma but who has nevertheless completed his or her Individualized  
681 Education Program.

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

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

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

701 (f) The State Board of Education shall adopt end-of-course assessments for students in  
702 grades nine through 12 for all core subjects to be determined by the state board. For those

students with an Individualized Education Program, the student's Individualized Education Program team shall determine appropriate participation in assessments and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

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

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

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

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

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

~~(k)(1)~~ In addition to the assessment instruments adopted by the State Board of Education and administered by the Department of Education, a local school system may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Such locally adopted assessment instruments may not replace the state's adopted assessment instruments for purposes of state accountability programs, ~~except as otherwise provided in paragraph (2) of this subsection.~~ A local school system shall be responsible for all costs and expenses incurred for locally adopted assessment

instruments. Students with Individualized Education Programs must be included in the locally adopted assessments or provided an alternate assessment in accordance with the federal Individuals with Disabilities Education Act.

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

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

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

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

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

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

data to identify student academic weaknesses by subtests, and other appropriate applications as determined by the State Board of Education.

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

## SECTION 26.

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

"20-2-290.

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

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



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

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

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

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

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

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

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

## SECTION 27.

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

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

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

851 **SECTION 28.**

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

855 "20-2-314.

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

865 **SECTION 29.**

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

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

871 **SECTION 30.**

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

874 "20-2-319.1.

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

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

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

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

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

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

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

### SECTION 31.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

996 **SECTION 33.**

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

1000 **SECTION 34.**

1001 Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating  
1002 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's  
1003 Economy Act," as follows:

1004 "(5) 'Focused program of study' means a rigorous academic core combined with a focus  
1005 in mathematics and science; a focus in humanities, fine arts, and foreign language; or a  
1006 coherent sequence of career pathway courses that is aligned with graduation requirements  
1007 established by the State Board of Education and ~~curriculum requirements~~ content  
1008 standards established pursuant to Part 2 of this article that prepares a student for  
1009 postsecondary education or immediate employment after high school graduation."

1010 **SECTION 35.**

1011 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating  
1012 to requirements for high schools that receive a reform grant, as follows:

1013 "(1) Provide focused programs of study which are designed to provide a well-rounded  
1014 education for students by fostering artistic creativity, critical thinking, and self-discipline  
1015 through the teaching of academic content, knowledge, and skills that students will use in  
1016 the workplace, further education, and life. The focused programs of study, whether  
1017 provided at a choice technical high school, a college and career academy, a traditional  
1018 high school, or on site at a technical school or college or a public college or university,  
1019 shall be aligned with graduation requirements established by the State Board of Education  
1020 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this  
1021 article, including, at a minimum, four years of mathematics, Algebra I and higher, and

1022 four years of English, with an emphasis on developing reading and writing skills to meet  
1023 college and career readiness standards;"

1024 **SECTION 36.**

1025 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating  
1026 to educational entities and requirements for private schools and home study programs, as  
1027 follows:

1028 "(c) Parents or guardians may teach their children at home in a home study program which  
1029 meets the following requirements:

1030 (1) The parent, parents, or guardian must submit within 30 days after the establishment  
1031 of a home study program and by September 1 annually thereafter a declaration of intent  
1032 to utilize a home study program to the Department of Education, which shall provide for  
1033 written or electronic submittal of such declaration of intent;

1034 (2) The declaration shall include a list of the names and ages of the students who are  
1035 enrolled in the home study program, the address where the home study program is  
1036 located, the local school system in which the home study program is located, and a  
1037 statement of the 12 month period that is to be considered the school year for that home  
1038 study program. Enrollment records and reports shall not be used for any purpose except  
1039 providing necessary enrollment information, except with the permission of the parent or  
1040 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

1041 (3) Parents or guardians may teach only their own children in the home study program,  
1042 provided the teaching parent or guardian possesses at least a high school diploma or a  
1043 general educational development diploma, but the parents or guardians may employ a  
1044 tutor who holds a high school diploma or a general educational development diploma to  
1045 teach such children;

1046 (4) The home study program shall provide a basic academic educational program which  
1047 includes, but is not limited to, reading, language arts, mathematics, social studies, and  
1048 science;

1049 (5) The home study program must provide instruction each 12 months to home study  
1050 students equivalent to 180 school days of education with each school day consisting of  
1051 at least four and one-half school hours unless the child is physically unable to comply  
1052 with the rule provided for in this paragraph;

1053 (6) The parent or guardian shall have the authority to execute any document required by  
1054 law, rule, regulation, or policy to evidence the enrollment of a child in a home study  
1055 program, the student's full-time or part-time status, the student's grades, or any other  
1056 required educational information. This shall include, but not be limited to, documents for  
1057 purposes of verification of attendance by the Department of Driver Services, for the

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

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

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

### SECTION 37.

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

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



**SECTION 38.**

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

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

**SECTION 39.**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SECTION 40.**

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

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

**SECTION 41.**

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

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

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

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

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

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

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

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

(B) A facility used for a charter school is owned by a local educational agency and operated utilizing standards of a state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity with respect to structural soundness and sufficient maintenance, the facility or equipment or both shall be deemed to meet the safety requirements of this paragraph; provided, further, that in no event shall the state agency or entity or local educational agency owner or operator of a charter school with such facility or equipment be disqualified from eligibility for state grants or for federal grants awarded pursuant to state regulations due to such facility or equipment;

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

- 1233 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in  
 1234 the charter, by an independent certified public accountant licensed in this state; provided,  
 1235 however, that a separate audit shall not be required for a charter school if the charter  
 1236 school is included in the local school system audit conducted by the state auditor pursuant  
 1237 to Code Section 50-6-6;
- 1238 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such  
 1239 provisions shall apply with respect to charter schools whose charters are granted or  
 1240 renewed on or after July 1, 2000;
- 1241 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of  
 1242 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
- 1243 (10) Subject to the requirement that it shall not charge tuition or fees to its students  
 1244 except as may be authorized for local boards by Code Section 20-2-133;
- 1245 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of  
 1246 quiet reflection;
- 1247 (12) Subject to the provisions of Code Section 20-2-210 relating to annual performance  
 1248 evaluations;
- 1249 (13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and  
 1250 criminal background checks; and
- 1251 ~~(13)~~(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating  
 1252 to individual graduation plans."

## 1253 SECTION 42.

- 1254 Said chapter is further amended in Code Section 20-2-2067.1, relating to amendment of  
 1255 terms of charter for charter schools, initial term of charter, and annual report by revising the  
 1256 introductory language of subsection (c) as follows:
- 1257 "(c) Each start-up and conversion charter school and each charter system shall submit an  
 1258 annual report outlining the previous year's progress to the authorizing local board or state  
 1259 board, as appropriate; to parents and guardians of students enrolled in the school, or, for  
 1260 a charter system, to parents and guardians of students enrolled in school within the local  
 1261 school system; and to the Department of Education no later than ~~October 1~~ November 1  
 1262 of each year. The report submitted by a charter system shall include, but not limited to,  
 1263 data on all of its system charter schools. The report shall contain, but is not limited to:"

**SECTION 43.**

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

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

**SECTION 44.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 45.**

1336

1337 An Act to provide in all counties of 500,000 or more population according to the United  
1338 States Census of 1960 or any future United States Census that the pension board of the board  
1339 of education in such counties shall recompute the pension paid to those teachers and  
1340 employees who had retired as a matter of right prior to April 1, 1955, and who had been  
1341 awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963,  
1342 p. 2469), is repealed in its entirety.

**SECTION 46.**

1343

1344 All laws and parts of laws in conflict with this Act are repealed.