

House Bill 502 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 2 elementary and secondary education, so as to update and clarify provisions in law and to
 3 repeal obsolete provisions; to repeal a population act provision; to 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 amend Part 2 of
 6 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 7 competencies and core curriculum in elementary and secondary education, so as to authorize
 8 local boards of education to require students to complete a course in America's founding
 9 philosophy and founding principles and related transformational movements; to provide for
 10 legislative findings; to provide for a short title; to provide for curriculum content and teacher
 11 training; to provide for applicability; to remove the middle grades program; to revise
 12 provisions relating to contracts by the State School Superintendent; to revise a process for
 13 student requests for waivers and variances of state requirements; to revise provisions relating
 14 to state required assessments; to revise provisions relating to the honors program; to revise
 15 a provision relating to a report on gender discrimination; to revise provisions relating to
 16 courses taken through the Georgia Virtual School; to revise provisions relating to virtual
 17 instruction opportunities provided by local school systems; to repeal an obsolete provision
 18 relating to acquiring digital learning; to revise a provision relating to home study reporting;
 19 to revise provisions relating to health insurance for public school teachers and employees;
 20 to revise provisions relating to nonrenewal of a teacher's contract; to establish Celebrate
 21 Freedom Week; to provide for the posting of historical documents; to strongly encourage the
 22 Department of Education to develop online resources and instructional support; to revise
 23 provisions relating to appeals to the State Board of Education; to repeal an Act to provide in
 24 all counties of 500,000 or more population according to the United States Census of 1960 or
 25 any future United States Census that the pension board of the board of education in such
 26 counties shall recompute the pension paid to those teachers and employees who had retired
 27 as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20
 28 years of service, approved March 21, 1963 (Ga. L. 1963, p. 2469); to provide for related
 29 matters; to repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

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

37 **SECTION 1A.**

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

40 "(b) A local school system may elect not to request increased flexibility in exchange for
41 increased accountability and defined consequences and ~~opt elect~~ to remain under all current
42 laws, rules, regulations, policies, and procedures, and such local school system, which shall
43 be known as a Title 20/No Waivers system, shall:

44 (1) Conduct a public hearing for the purpose of providing public notice that such local
45 school system is ~~opting for the status quo~~ electing to be a Title 20/No Waivers system and
46 to remain subject to all state rules, regulations, policies, and procedures and the
47 provisions of this title. The public hearing shall be advertised in a local newspaper of
48 general circulation which shall be the same newspaper in which other legal
49 announcements of the local board of education are advertised; and

50 (2) Sign a statement on a form provided by the state board that such local school system
51 is ~~opting for the status quo~~ electing to be a Title 20/No Waivers system."

52 **SECTION 1B.**

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

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

58 **SECTION 2.**

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

61 "(e) The state board shall be authorized to approve a waiver or variance request of
62 specifically identified state rules, regulations, policies, and procedures or provisions of this

63 chapter upon the inclusion of such request in the local school system's proposed contract
 64 and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver
 65 and variance shall be improvement of student performance. The state board shall not be
 66 authorized to waive or approve variances on any federal, state, and local rules, regulations,
 67 court orders, and statutes relating to civil rights; insurance; the protection of the physical
 68 health and safety of school students, employees, and visitors; conflicting interest
 69 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in
 70 or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or
 71 Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of
 72 Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327.
 73 A local school system that has received a waiver or variance shall remain subject to the
 74 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not
 75 charge tuition or fees to its students except as may be authorized for local boards by Code
 76 Section 20-2-133, and shall remain open to enrollment in the same manner as before the
 77 waiver request."

78 **SECTION 2A.**

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

81 "20-2-84.3.

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

84 ~~(b)~~ No later than June 30, 2015, each local school system shall either notify the department
 85 of its intention to ~~request increased flexibility~~ become a strategic waivers school system
 86 pursuant to this article or shall comply with subsection (b) of Code Section 20-2-80,
 87 electing to be a Title 20/No Waivers system."

88 **SECTION 3.**

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

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

98 **SECTION 4.**

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

102 "20-2-140.

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

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

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

127 **SECTION 5.**

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

130 "20-2-140.1.

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

134 be met through an online course offered by the Georgia Virtual School established pursuant
 135 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code
 136 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary
 137 institution, or through a provider ~~approved~~ pursuant to ~~subsection (c)~~ of Code Section
 138 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction
 139 program pursuant to Code Section 20-2-319.4."

140 **SECTION 6.**

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

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

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

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

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

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

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

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

173 **SECTION 6A.**

174 Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 175 relating to competencies and core curriculum in elementary and secondary education, is
 176 amended by adding a new Code section to read as follows:

177 "20-2-142.1.

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

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

186 (c) Each local board of education may require all students, as a condition of graduation,
 187 during their ninth through twelfth grade years to complete and pass a separate semester
 188 course covering the following founding philosophy and principles of the United States of
 189 America:

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

191 (A) As articulated in the Declaration of Independence the foundational idea of the
 192 Creator-endowed unalienable rights of the people;

193 (B) The purpose of limited government, which is to protect the unalienable rights of
 194 the people and to protect the people from violence and fraud;

195 (C) The structure of government, separation of powers, and checks and balances; and

196 (D) The rule of law, with frequent and free elections in a representative government
 197 which governs by majority vote within a constitutional framework;

198 (2) America's founding principles, to include at least the following:

199 (A) Federalism-government as close to the people as possible, limited federal
 200 government, and strong state and local government;

201 (B) Freedoms of speech, press, religion, and peaceful assembly guaranteed by the Bill
 202 of Rights;

203 (C) Rights to private property and freedom of individual enterprise;

204 (D) The innocence of any crime until proven guilty, with right of habeas corpus, and
 205 no unreasonable searches, seizures, or cruel and unusual punishment;

- 206 (E) A virtuous and moral people educated in the philosophy and principles of
 207 government for a free people;
- 208 (F) The right to a speedy trial by a jury of peers;
- 209 (G) The principles of economy in spending, constitutional limitations on government
 210 power to tax and spend, and prompt payment of public debt;
- 211 (H) Economic system of money with intrinsic value;
- 212 (I) Equality before the law and due process of law with grand jury indictment for
 213 capital crimes before holding a person to account;
- 214 (J) The right of people to keep and bear arms, strong defense capability, supremacy of
 215 civil authority over military;
- 216 (K) Peace, commerce, and honest friendship with all nations, entangling alliances with
 217 none;
- 218 (L) All laws concise and understandable by the people and not ex post facto laws;
- 219 (M) Eternal vigilance by 'We the People'; and
- 220 (N) Founding documents including Declaration of Independence, the United States
 221 Constitution, and the Federalist Papers; and
- 222 (3) Transformational movements in American history, to include at least the following:
- 223 (A) The antislavery movement;
- 224 (B) The Civil Rights movement;
- 225 (C) Women's suffrage;
- 226 (D) The contributions of immigrants to American society; and
- 227 (E) The history of the Native American population.
- 228 (d) The Department of Education and local boards of education, as appropriate, may
 229 provide, or cause to be provided, curriculum content which reflects the content standards
 230 addressed pursuant to subsection (c) of this Code section and teacher training to ensure that
 231 the intent and provisions of this Code section are implemented.
- 232 (e) This Code section shall apply beginning in school year 2017-2018."

233 **SECTION 7.**

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

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

240 "(2) It is the policy of this state that the purpose of the primary grades program shall be
 241 mastery by enrolled students of the essential basic skills and knowledge which will

242 enable them to achieve more advanced skills and knowledge offered at the higher grade
 243 levels. For purposes of funding under this article, the primary grades program shall
 244 include grades one, two, and three. To be eligible for enrollment in the first grade of a
 245 state supported primary grades program, a child must attain the age of six by September
 246 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
 247 Board of Education shall adopt an instrument or instruments, procedures, and policies
 248 necessary to assess the first grade readiness of children enrolled in Georgia's public
 249 school kindergarten programs pursuant to Code Section 20-2-281. Readiness information
 250 obtained by the instrument or instruments adopted by the state board shall be used by
 251 local school systems in concert with teacher recommendations and other relevant
 252 information to make appropriate student grade placement decisions. The Department of
 253 Education shall develop guidelines for utilization of the instrument or instruments in
 254 grade placement decisions and shall provide such guidelines to local school systems. The
 255 guidelines shall include information pertinent to consideration of the placement of
 256 students who have been identified as being disabled or limited-English-proficient.
 257 Whenever the decision is made not to promote a child to the first grade, the local school
 258 system shall document the reasons for the decision not to promote, according to
 259 guidelines established by the board. The State School Superintendent ~~shall~~ may annually
 260 provide a report summarizing the results of the readiness of first grade Georgia public
 261 school kindergarten children. No student shall remain in kindergarten for more than two
 262 years;"

263 **SECTION 8.**

264 Said chapter is further amended by revising subsections (a) and (h) of Code Section
 265 20-2-154.1, relating to alternative education programs, as follows:

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

274 "~~(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education~~
 275 ~~programs shall be based upon a full-time equivalent program count that equals 2.5 percent~~
 276 ~~of the sum of the full-time equivalent program count of the middle grades program, the~~
 277 ~~middle school program as defined in Code Section 20-2-290, the high school general~~

278 ~~education program (grades nine through 12), and the career, technical, and agricultural~~
 279 ~~education laboratory program (grades nine through 12). For the 2002-2003 school year and~~
 280 ~~thereafter, the~~ The amount of state funds appropriated and allocated for the alternative
 281 education program provided for in this Code section shall be based on the actual count of
 282 students served during the preceding year, except that the count of students served shall not
 283 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~
 284 ~~grades program, the middle school program as defined in Code Section 20-2-290,~~ the high
 285 school general education program (grades nine through 12), and the career, technical, and
 286 agricultural education laboratory program (grades nine through 12). Funds earned may be
 287 expended in kindergarten and in grades one through 12."

288

SECTION 9.

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

291 "20-2-159.1.

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

- 296 (1) Agriculture, food, and natural resources;
- 297 (2) Architecture and construction;
- 298 (3) Arts, audio-video technology, and communications;
- 299 (4) Business, management, and administration;
- 300 (5) Education and training;
- 301 (6) Finance;
- 302 (7) Health science;
- 303 (8) Hospitality and tourism;
- 304 (9) Human services;
- 305 (10) Information technology;
- 306 (11) Law, public safety, and security;
- 307 (12) Manufacturing;
- 308 (13) Government and public administration;
- 309 (14) Marketing, sales, and service;
- 310 (15) Science, technology, engineering, and mathematics; and
- 311 (16) Transportation, distribution, and logistics.

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

313 **SECTION 10.**

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

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

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

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

326 **SECTION 11.**

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

330 "(a) The ~~competencies and curricula~~ content standards established for career, technical, and
331 agricultural education courses pursuant to Code Section 20-2-140 shall include embedded
332 standards in academic core subject areas, as appropriate. In establishing such ~~competencies~~
333 ~~and curricula~~ content standards, the state board shall work to ensure that the coursework
334 meets postsecondary requirements for acceptance of credit for such coursework at the
335 postsecondary level. Such courses shall be taught by a highly qualified teacher in the
336 academic content and trained or experienced in contextualized learning using project based
337 methods; by a highly qualified career, technical, and agricultural education teacher who has
338 completed a state-approved training program to strengthen academic content and has
339 passed a state-approved exam for demonstrating mastery of academic content; or by a team
340 made up of a highly qualified teacher in the academic content and a highly qualified career,
341 technical, and agricultural education teacher working together to teach the course."

342 **SECTION 12.**

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

345 "(a) The State Board of Education shall designate the specific dates upon which two counts
346 of students enrolled in each instructional program authorized under this article shall be
347 made each school year and by which the counts shall be reported to the Department of

348 Education. The initial enrollment count shall be made after October 1 but prior to
 349 November 17 and the final enrollment count after March 1 but prior to May 1. The report
 350 shall indicate the student's specific assigned program for each one-sixth segment of the
 351 school day on the designated reporting date. No program shall be indicated for a student
 352 for any one-sixth segment of the school day that the student is assigned to a study hall; a
 353 noncredit course; a course recognized under this article or by state board policy as an
 354 enrichment course, except a driver education course; a course which requires participation
 355 in an extracurricular activity for which enrollment is on a competitive basis; a course in
 356 which the student serves as a student assistant to a teacher, in a school office, or in the
 357 media center, except when such placement is an approved work site of a recognized career,
 358 technical, and agricultural education laboratory program; an individual study course for
 359 which no outline of course objectives is prepared in writing prior to the beginning of the
 360 course; or any other course or activity so designated by the state board. For the purpose
 361 of this Code section, the term 'enrichment course' means a course which does not dedicate
 362 a major portion of the class time toward the development and enhancement of one or more
 363 ~~student competencies~~ content standards as adopted by the state board under Code Section
 364 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the
 365 school day for which the student is not enrolled in an instructional program or has not
 366 attended a class or classes within the preceding ten days; nor shall a program be indicated
 367 for a student for any one-sixth segment of the school day for which the student is charged
 368 tuition or fees or is required to provide materials or equipment beyond those authorized
 369 pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course
 370 pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other
 371 appropriate program for each segment in which the student is attending such dual credit
 372 course. The state board shall adopt such regulations and criteria as necessary to ensure
 373 objective and true counts of students in state approved instructional programs. The state
 374 board shall also establish criteria by which students shall be counted as resident or
 375 nonresident students, including specific circumstances which may include, but not be
 376 limited to, students attending another local school system under court order or under the
 377 terms of a contract between two local school systems. If a local school system has a
 378 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 379 program counts from the designated date to a requested alternate date."

380

SECTION 13.

381 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section
 382 20-2-161, relating to the Quality Basic Education Formula, as follows:

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

387 (1) Kindergarten program 1.6508
 388 weight and
 389 1 to 15
 390 ratio

391 (2) Kindergarten early intervention program 2.0348
 392 weight and
 393 1 to 11
 394 ratio

395 (3) Primary grades program (1-3) 1.2849
 396 weight and
 397 1 to 17
 398 ratio

399 (4) Primary grades early intervention program (1-3) 1.7931
 400 weight and
 401 1 to 11
 402 ratio

403 (5) Upper elementary grades program (4-5) 1.0355
 404 weight and
 405 1 to 23
 406 ratio

407 (6) Upper elementary grades early intervention program (4-5) 1.7867
 408 weight and
 409 1 to 11
 410 ratio

411	(7) Middle grades program (6-8)	1.0186
412		weight and
413		1 to 23
414		ratio
415	(8) <u>(7)</u> Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
416		weight and
417		1 to 20
418		ratio
419	(9) <u>(8)</u> High school general education program (9-12)	1.0000
420		weight and
421		1 to 23
422		ratio
423	(10) <u>(9)</u> Career, technical, and agricultural education	1.1916
424	laboratory program (9-12)	weight and
425		1 to 20
426		ratio
427	(11) <u>(10)</u> Program for persons with disabilities:	
428	Category I	2.3798
429		weight and
430		1 to 8
431		ratio
432	<u>(12)</u> (11) Program for persons with disabilities:	
433	Category II	2.7883
434		weight and
435		1 to 6.5
436		ratio

437 ~~(13)~~(12) Program for persons with disabilities:
 438 Category III 3.5493
 439 weight and
 440 1 to 5
 441 ratio

442 ~~(14)~~(13) Program for persons with disabilities:
 443 Category IV 5.7509
 444 weight and
 445 1 to 3
 446 ratio

447 ~~(15)~~(14) Program for persons with disabilities:
 448 Category V 2.4511
 449 weight and
 450 1 to 8
 451 ratio

452 ~~(16)~~(15) Program for intellectually gifted students:
 453 Category VI 1.6589
 454 weight and
 455 1 to 12
 456 ratio

457 ~~(17)~~(16) Remedial education program 1.3087
 458 weight and
 459 1 to 15
 460 ratio

461 ~~(18)~~(17) Alternative education program 1.4711
 462 weight and
 463 1 to 15
 464 ratio

499 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least
500 the beginning salaries of specialists qualified to teach art, music, foreign language, and
501 physical education, subject to appropriation by the General Assembly.

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

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

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

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

535 **SECTION 16.**

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

538 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,
 539 primary grades early intervention, upper elementary, upper elementary grades early
 540 intervention, ~~middle grades~~, middle school, and remedial programs and the program
 541 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 542 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 543 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 544 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 545 funds shall be used for addressing the academic needs of low-performing students with
 546 programs including, but not limited to, instructional opportunities for students beyond the
 547 regular school day, Saturday classes, intersession classes, summer school classes, and
 548 additional instructional programs during the regular school day. Following the midterm
 549 adjustment, the state board shall issue allotment sheets for each local school system. Each
 550 local school system shall spend 100 percent of the funds designated for additional days of
 551 instruction for such costs at the system level, which may include transportation costs
 552 incurred for transporting students who are attending additional classes funded by these
 553 designated funds."

554 **SECTION 17.**

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

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

562 **SECTION 18.**

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

566 "(a) The Professional Standards Commission shall provide, by regulation, for certifying
 567 and classifying all certificated professional personnel employed in the public schools of
 568 this state, including personnel who provide virtual instruction to public schools of this state,
 569 whether such personnel are located within or outside of this state or whether such personnel

570 are employed by a local unit of administration. No such personnel shall be employed in
 571 the public schools of this state unless they hold certificates issued by the commission
 572 certifying their qualifications and classification in accordance with such regulations. The
 573 commission shall establish such number of classifications of other certificated professional
 574 personnel as it may find reasonably necessary or desirable for the operation of the public
 575 schools; provided, however, that such classifications shall be based only upon academic,
 576 technical, and professional training, experience, and competency of such personnel. The
 577 commission is authorized to provide for denying a certificate to an applicant, suspending
 578 or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause
 579 after an investigation is held and notice and an opportunity for a hearing are provided the
 580 certificate holder or applicant in accordance with subsection (d) of Code Section
 581 20-2-984.5. The commission shall designate and define the various classifications of
 582 professional personnel employed in the public schools of this state that shall be required
 583 to be certificated under this Code section or under Code Section 20-2-206. Without
 584 limiting the generality of the foregoing, the term 'certificated professional personnel' is
 585 defined as all professional personnel certificated by the commission and county or regional
 586 librarians."

587 **SECTION 19.**

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

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

594 **SECTION 20.**

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

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

600 **SECTION 21.**

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

603 "(b) The State Board of Education is not authorized to waive any federal, state, and local
 604 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection
 605 of the physical health and safety of school students, employees, and visitors; conflicting
 606 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful
 607 conduct in or near a public school; any reporting requirements pursuant to Code Section
 608 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the
 609 requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code
 610 Section 20-2-327. A school or school system that has received a waiver shall remain
 611 subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement
 612 that it shall not charge tuition or fees to its students except as may be authorized for local
 613 boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner
 614 as before the waiver request."

615 **SECTION 22.**

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

617 "20-2-244.1.

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

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

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

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

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

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

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

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

638 (2) The type of action requested;

- 639 (3) The specific facts of substantial hardship which would justify a variance or waiver
 640 for the petitioner, including the alternative standards which the person seeking the
 641 variance or waiver agrees to meet and a showing that such alternative standards will
 642 afford adequate protection for the public health, safety, and welfare; and
 643 (4) The reason why the variance or waiver requested would serve the purpose of the
 644 underlying statute.
- 645 (d) The state board shall grant or deny a petition for variance or waiver in writing no later
 646 than 60 days after the receipt of the petition. The state board's decision to grant or deny the
 647 petition shall be in writing and shall contain a statement of the relevant facts and the
 648 reasons supporting the state board's action.
- 649 (e) The state board's decision to deny a petition for variance or waiver shall be subject to
 650 judicial review in accordance with Code Section 50-13-19. The validity of any variance
 651 or waiver which is granted by the state board may be determined in an action for
 652 declaratory judgment in accordance with Code Section 50-13-10.
- 653 (f) This Code section shall not apply, and no variance or waiver shall be sought or
 654 authorized, when a state board rule or regulation has been adopted or promulgated in order
 655 to implement or promote a federally delegated program.
- 656 (g) An aggregated report of all waivers granted pursuant to this Code section shall be
 657 prepared and shall contain a description of the waiver granted, including a detail of the
 658 variance from any rule or regulation, but shall not include any identifying information of
 659 the student.
- 660 (h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with
 661 respect to petitions for variances or waivers of rules by students."

662 **SECTION 23.**

663 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
 664 20-2-270.1, relating to services to member local school systems by regional educational
 665 service agencies, as follows:

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

669 **SECTION 24.**

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

672 "20-2-281.

673 (a) The State Board of Education shall adopt a student assessment program consisting of
674 instruments, procedures, and policies necessary to implement the program and shall fund
675 all costs of providing and scoring such instruments, subject to appropriation by the General
676 Assembly. Each local school system may elect to administer, with state funding, nationally
677 norm-referenced instruments in reading, mathematics, science, or social studies in grade
678 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
679 with assistance to such school systems by the State Board of Education with regard to
680 administration guidance, scoring, and reporting of such ~~assessments~~ instruments. Each
681 local school system is strongly encouraged to implement a program of formative
682 assessment and intervention in reading for kindergarten through third grade and
683 mathematics for kindergarten through fifth grade to ensure that students are on track to
684 meet grade-level expectations. The State Board of Education shall review, revise, and
685 upgrade the ~~quality core curriculum content standards~~. Following the adoption of ~~this~~
686 ~~revised curriculum~~ such content standards, the State Board of Education shall contract for
687 development of ~~criteria-referenced competency tests~~ end-of-grade assessments to measure
688 the ~~quality core curriculum content standards~~. Such tests in English, ~~and language~~
689 ~~arts/reading, and;~~ mathematics, ~~and reading~~ shall be administered annually to students in
690 grades ~~one~~ three through eight, and such tests in science and social studies shall be
691 administered annually to students in grades three through eight. These tests shall contain
692 features that allow for comparability to other states with whom establishing such
693 comparison would be statistically sound; provided, however, that no such comparison shall
694 be conducted which would relinquish any measure of control over assessments to any
695 individual or entity outside the state. This action shall be completed according to a
696 schedule established by the State Board of Education. ~~A curriculum based assessment shall~~
697 ~~be administered in grade 11 for graduation purposes~~. Writing assessments performance
698 shall be administered to assessed, at a minimum, for students in grades three, five, eight,
699 and 11 and may be assessed for students in additional grade levels as designated by the
700 State Board of Education. ~~The writing assessments~~ Writing performance results shall
701 ~~provide~~ be provided to students and their parents ~~with performance outcome measures~~
702 ~~resulting from the administration of such tests~~.

703 (b) The nationally ~~normed assessments~~ norm-referenced instruments provided for in
704 subsection (a) of this Code section shall provide students and their parents with grade
705 equivalencies and percentile ranks which result from the administration of such ~~tests~~
706 ~~instruments~~. ~~Criteria-referenced tests and the high school graduation test~~ End-of-grade
707 assessments provided for in subsection (a) of this Code section shall provide for results that
708 reflect student achievement at the individual student, classroom, school, system, ~~and state,~~
709 and national levels. The State Board of Education shall participate in the National

710 Assessment of Educational Progress (NAEP) and may participate in any other tests that
 711 will allow benchmarking this state's performance against national or international
 712 performance. The results of such testing shall be provided to the Governor, the General
 713 Assembly, and the State Board of Education and shall be reported to the citizens of
 714 Georgia. Further, the state board shall adopt a school readiness assessment for students
 715 entering first grade and shall administer such assessment pursuant to paragraph (2) of
 716 subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary
 717 supplements as part of a pay for performance or related plan under this article may be
 718 assessments of student achievement.

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

726 (c) The State Board of Education shall have the authority to condition the awarding of a
 727 high school diploma to a student upon achievement of satisfactory scores on instruments
 728 ~~or tests~~ adopted and administered by the state board pursuant to subsection (a) of this Code
 729 section and the end-of-course assessments adopted and administered by the state board
 730 pursuant to subsections (f) and (h) of this Code section. The state board is authorized and
 731 directed to adopt regulations providing that any disabled child, as defined by the provisions
 732 of this article, shall be afforded opportunities to take any test adopted by the state board as
 733 a condition for the awarding of a high school diploma. ~~Said~~ Such regulations shall further
 734 provide for appropriate accommodations in the administration of such test. ~~Said~~ Such
 735 regulations shall further provide for the awarding of a special education diploma to any
 736 disabled student who is lawfully assigned to a special education program and who does not
 737 achieve a passing score on ~~said such~~ test or who has not completed all of the requirements
 738 for a high school diploma but who has nevertheless completed his or her Individualized
 739 Education Program.

740 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 741 administered to ~~each student receiving special education services pursuant to Code~~
 742 ~~Section 20-2-152 who does not receive instruction in the essential knowledge and skills~~
 743 ~~identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~
 744 those students with significant cognitive disabilities, receiving special education services
 745 pursuant to Code Section 20-2-152, who cannot access the state adopted content
 746 standards without appropriate accommodations to those standards and for whom the

747 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code
 748 section, even with allowable ~~modifications~~ accommodations, would not provide an
 749 appropriate measure of student achievement, as determined by the student's
 750 Individualized Education Program team. ~~A student's Individualized Education Program~~
 751 ~~may serve as an alternate assessment for that student.~~

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

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

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

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

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

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

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

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

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

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

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

819 (m) The results of individual student performance on academic skills assessment
 820 instruments administered under this Code section shall be confidential and may be released

821 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
822 20 U.S.C. Section 1232g.

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

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

831 (p) Teachers in ~~grades one~~ kindergarten through grade 12 shall be offered the opportunity
832 to participate annually in a staff development program on the use of tests within the
833 instructional program designed to improve students' academic achievement. This program
834 shall instruct teachers on curriculum alignment related to tests, disaggregated student test
835 data to identify student academic weaknesses by subtests, and other appropriate
836 applications as determined by the State Board of Education.

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

846 **SECTION 25.**

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

849 "20-2-290.

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

857 ~~arrangement they jointly meet the requirements of this Code section and the criteria and~~
 858 ~~standards prescribed by the state board.~~

859 ~~(2)(b)~~ The board of education of any local school system shall be authorized to employ
 860 school administrative managers in lieu of or in addition to assistant principals. Such
 861 school administrative managers shall not be required to be certificated by the Professional
 862 Standards Commission but shall have such qualifications as determined by the local
 863 board with a minimum requirement of a bachelor's degree or satisfactory business
 864 experience. The duties of school administrative managers shall be to oversee and manage
 865 the financial and business affairs of the school. The principal shall retain authority over
 866 the curriculum and instructional areas. The school administrative manager shall report
 867 directly to the principal. In the event that a local board considers hiring or utilizing
 868 school administrative managers pursuant to this subsection, it shall receive and give all
 869 due consideration to recommendations by the school council as to whether or not to
 870 utilize such position and as to selection of the manager. Existing employees of the local
 871 board shall be eligible to serve as school administrative managers if they meet other
 872 qualifications and requirements established by the local board for such position. For
 873 purposes of earning funds for such positions, school administrative managers shall be
 874 treated in all respects the same as assistant principals.

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

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

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

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

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

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

892 **SECTION 26.**

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

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

909 **SECTION 27.**

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

913 "20-2-314.

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

923 **SECTION 28.**

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

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

929

SECTION 29.

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

932 "20-2-319.1.

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

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

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

953 (2) The local school system shall pay to the department costs for tuition, materials, and
 954 fees directly related to the approved course taken by a student in its school system
 955 through the Georgia Virtual School; provided, however, that in no event shall the amount
 956 of tuition charged to and paid by the local school system on behalf of such student exceed
 957 \$250.00 per student per semester course; and provided, further, that if a student
 958 participates in courses through the Georgia Virtual School that are in excess of the
 959 maximum number of courses a student may be enrolled in during a school day, such
 960 student shall be subject to the cost of tuition not to exceed \$250.00 per student per
 961 semester course.

962 (3) Students in home study programs and private schools in this state may enroll in
 963 courses through the Georgia Virtual School at no cost, if appropriations are provided for
 964 such purpose in accordance with paragraph (1) of this subsection. If appropriations are
 965 not provided or if appropriations are provided but have been expended for such purpose,
 966 students in home study programs and private schools in this state may enroll in courses
 967 through the Georgia Virtual School based on availability of slots; provided, however, that
 968 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per
 969 semester course.
 970 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2
 971 of Chapter 14 of this title."

972 **SECTION 30.**

973 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 974 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
 975 follows:

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

978 **SECTION 31.**

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

982 "20-2-319.4.

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

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

994 A virtual instruction program conducted by a local school system shall include specific
 995 provision provisions for at least two full-time options and one part-time option for students

996 enrolled in dropout prevention and academic intervention programs or Department of
997 Juvenile Justice education programs under Code Section 20-2-133.

998 (b) To provide students with the option of participating in virtual instruction programs as
999 required by subsection (a) of this Code section, a local school system may apply one or all
1000 of the following mechanisms:

1001 (1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code
1002 Section 20-2-319.1;

1003 (2) Facilitate enrollment in one or more courses pursuant to the clearing-house
1004 established pursuant to Code Section 20-2-319.3;

1005 ~~(2)(3) Enter into a contract with an approved a provider under subsection (c) of this Code~~
1006 ~~section for the provision of a full-time program under paragraph (1) of subsection (a) of~~
1007 ~~this Code section or a part-time program under paragraph (2) of subsection (a) of this~~
1008 ~~Code section; or~~

1009 ~~(3)(4) Enter into an agreement with another local school system or systems to allow the~~
1010 ~~participation of its students in an approved virtual instruction program provided by such~~
1011 ~~other local school system or systems. The agreement shall indicate a process for the~~
1012 ~~transfer of funds.~~

1013 Contracts and agreements entered into pursuant to paragraph ~~(2)(3)~~ or ~~(3)(4)~~ of this
1014 subsection may include multidistrict contractual arrangements that may be executed by a
1015 regional educational service agency for its member school systems.

1016 ~~(c) The department shall annually provide local school systems with a list of providers~~
1017 ~~approved to offer virtual instruction programs. To be approved by the department, a~~
1018 ~~provider shall document that it:~~

1019 ~~(1) Possesses prior, successful experience offering online courses to elementary, middle,~~
1020 ~~or high school students, as demonstrated through quantified student performance~~
1021 ~~improvements for each subject area and grade level provided for consideration as~~
1022 ~~instructional program options;~~

1023 ~~(2) Assures instructional and curricular quality through a detailed curriculum and student~~
1024 ~~performance accountability plan that addresses every subject and grade level intended for~~
1025 ~~provision within local school system contracts, including:~~

1026 ~~(A) Courses and programs that meet the nationally recognized standards for K-12~~
1027 ~~online learning;~~

1028 ~~(B) Instructional content and services that align with and measure student attainment~~
1029 ~~of proficiency in the state-approved curriculum; and~~

1030 ~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for~~
1031 ~~grade level promotion and high school graduation with a standard diploma, as~~
1032 ~~appropriate; and~~

1033 ~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of~~
 1034 ~~Education, for the general public, as part of its application as a provider, and in all~~
 1035 ~~contracts negotiated pursuant to this Code section:~~

1036 ~~(A) Information and data about each full-time and part-time program regarding its~~
 1037 ~~curriculum;~~

1038 ~~(B) School policies and procedures;~~

1039 ~~(C) Certification status of all administrative and instructional personnel;~~

1040 ~~(D) Teacher-student ratios;~~

1041 ~~(E) Student completion and promotion rates; and~~

1042 ~~(F) Student, educator, and school performance accountability outcomes.~~

1043 ~~(d) An approved provider shall retain its approved status for a period of five years after the~~
 1044 ~~date of the department's approval pursuant to subsection (c) of this Code section as long~~
 1045 ~~as the provider continues to comply with all requirements of this Code section; provided,~~
 1046 ~~however, that each provider approved by the department for the 2013-2014 school year~~
 1047 ~~shall reapply for approval to provide a part-time program for students in grades three~~
 1048 ~~through 12.~~

1049 ~~(e)(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code~~
 1050 ~~section with an approved a provider shall at a minimum set forth a detailed curriculum plan~~
 1051 ~~that illustrates how students will be provided services for, and be measured for attainment~~
 1052 ~~of, proficiency in state curriculum requirements for content standards for each grade level~~
 1053 ~~and subject."~~

1054 **SECTION 32.**

1055 Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on
 1056 assisting local boards of education in acquiring digital learning, and designating said Code
 1057 section as reserved.

1058 **SECTION 33.**

1059 Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating
 1060 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's
 1061 Economy Act," as follows:

1062 "(5) 'Focused program of study' means a rigorous academic core combined with a focus
 1063 in mathematics and science; a focus in humanities, fine arts, and foreign language; or a
 1064 coherent sequence of career pathway courses that is aligned with graduation requirements
 1065 established by the State Board of Education and ~~curriculum requirements~~ content
 1066 standards established pursuant to Part 2 of this article that prepares a student for
 1067 postsecondary education or immediate employment after high school graduation."

SECTION 34.

1068
 1069 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating
 1070 to requirements for high schools that receive a reform grant, as follows:

1071 "(1) Provide focused programs of study which are designed to provide a well-rounded
 1072 education for students by fostering artistic creativity, critical thinking, and self-discipline
 1073 through the teaching of academic content, knowledge, and skills that students will use in
 1074 the workplace, further education, and life. The focused programs of study, whether
 1075 provided at a choice technical high school, a college and career academy, a traditional
 1076 high school, or on site at a technical school or college or a public college or university,
 1077 shall be aligned with graduation requirements established by the State Board of Education
 1078 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this
 1079 article, including, at a minimum, four years of mathematics, Algebra I and higher, and
 1080 four years of English, with an emphasis on developing reading and writing skills to meet
 1081 college and career readiness standards;"

SECTION 35.

1082
 1083 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating
 1084 to educational entities and requirements for private schools and home study programs, as
 1085 follows:

1086 "(c) Parents or guardians may teach their children at home in a home study program which
 1087 meets the following requirements:

1088 (1) The parent, parents, or guardian must submit within 30 days after the establishment
 1089 of a home study program and by September 1 annually thereafter a declaration of intent
 1090 to utilize a home study program to the Department of Education, which shall provide for
 1091 written or electronic submittal of such declaration of intent;

1092 (2) The declaration shall include a list of the names and ages of the students who are
 1093 enrolled in the home study program, the address where the home study program is
 1094 located, the local school system in which the home study program is located, and a
 1095 statement of the 12 month period that is to be considered the school year for that home
 1096 study program. Enrollment records and reports shall not be used for any purpose except
 1097 providing necessary enrollment information, except with the permission of the parent or
 1098 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

1099 (3) Parents or guardians may teach only their own children in the home study program,
 1100 provided the teaching parent or guardian possesses at least a high school diploma or a
 1101 general educational development diploma, but the parents or guardians may employ a
 1102 tutor who holds a high school diploma or a general educational development diploma to
 1103 teach such children;

1104 (4) The home study program shall provide a basic academic educational program which
 1105 includes, but is not limited to, reading, language arts, mathematics, social studies, and
 1106 science;

1107 (5) The home study program must provide instruction each 12 months to home study
 1108 students equivalent to 180 school days of education with each school day consisting of
 1109 at least four and one-half school hours unless the child is physically unable to comply
 1110 with the rule provided for in this paragraph;

1111 (6) The parent or guardian shall have the authority to execute any document required by
 1112 law, rule, regulation, or policy to evidence the enrollment of a child in a home study
 1113 program, the student's full-time or part-time status, the student's grades, or any other
 1114 required educational information. This shall include, but not be limited to, documents for
 1115 purposes of verification of attendance by the Department of Driver Services, for the
 1116 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
 1117 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
 1118 required to apply for the receipt of state or federal public assistance;

1119 (7) Students in home study programs shall be subject to an appropriate nationally
 1120 standardized testing program administered in consultation with a person trained in the
 1121 administration and interpretation of norm reference tests to evaluate their educational
 1122 progress at least every three years beginning at the end of the third grade and records of
 1123 such tests and scores shall be retained but shall not be required to be submitted to public
 1124 educational authorities; and

1125 (8) The home study program instructor shall write an annual progress assessment report
 1126 which shall include the instructor's individualized assessment of the student's academic
 1127 progress in each of the subject areas specified in paragraph (4) of this subsection, and
 1128 such progress reports shall be retained by the parent, parents, or guardian of children in
 1129 the home study program for a period of at least three years."

1130

SECTION 36.

1131 Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating
 1132 to contributions by employees, state, and local employers and withholding or deducting
 1133 employees' contributions for health insurance for public school teachers, as follows:

1134 "(b) As the local employer's share, the local employer shall contribute to the health
 1135 insurance fund such portion of the cost of such benefits as may be established by the
 1136 Governor and the board and, in addition thereto, an amount to be established by the board
 1137 to defray the cost of administration. The board shall determine whether such portion shall
 1138 be determined based upon a percentage of the total outlay for the salaries of teachers
 1139 employed by the local employer or determined on an amount per employee electing

1140 coverage under the plan based on the coverage elected, in accordance with the
 1141 appropriation of funds. If a local employer fails to remit the employer's share as calculated
 1142 by the commissioner, as provided in this Code section, it shall be the duty of the
 1143 commissioner to notify the State Board of Education of such failure and it shall be the duty
 1144 of the State Board of Education to, with reasonable promptness, withhold from the
 1145 employer which has failed to comply ~~all appropriations allotted to such employer until such~~
 1146 ~~employer has fully complied with the provisions of this Code section by making remittance~~
 1147 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully
 1148 satisfy the outstanding obligation of the local employer to the health insurance fund. Such
 1149 withheld funds shall be promptly transmitted by the state board to the Department of
 1150 Community Health."

1151 **SECTION 37.**

1152 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating
 1153 to withholding or deducting employees' contributions for health insurance for public school
 1154 employees, as follows:

1155 "(b) The Department of Education and local school systems shall contribute to the health
 1156 insurance fund such portion of the costs of such benefits as may be established by the board
 1157 to maintain the employee contributions consistent with other health insurance plans
 1158 administered by the board. In the event that the commissioner shall determine that a local
 1159 employer has failed to contribute the full amount of such portion, as calculated by the
 1160 commissioner, it shall be the duty of the commissioner to notify the State Board of
 1161 Education of such failure and it shall be the duty of the State Board of Education to, with
 1162 reasonable promptness, withhold from the employer which has failed to comply ~~all~~
 1163 ~~appropriations allotted to such employer until such employer has fully complied with the~~
 1164 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state
 1165 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the
 1166 local employer to the health insurance fund. Such withheld funds shall be promptly
 1167 transmitted by the state board to the Department of Community Health."

1168 **SECTION 38.**

1169 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating
 1170 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth
 1171 consecutive school year, as follows:

1172 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school
 1173 year from the same local board of education may be demoted or the teacher's contract

1174 may not be renewed only for those reasons set forth in subsection (a) of Code Section
1175 20-2-940.

1176 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year
1177 contract for the fourth or subsequent consecutive school year from the same local board
1178 of education, the teacher must be given written notice of the intention to demote or not
1179 renew the contract of the teacher. Such notice shall be given by certified mail or statutory
1180 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice
1181 shall contain a conspicuous statement in substantially the following form:

1182 You have the right to certain procedural safeguards before you can be demoted or
1183 dismissed. These safeguards include the right to notice of the reasons for the action
1184 against you and the right to a hearing. If you desire these rights you must send to the
1185 school superintendent by certified mail or statutory overnight delivery a statement that
1186 you wish to have a hearing; and such statement must be mailed to the school
1187 superintendent within 20 days after this notice was mailed to you. Your rights are
1188 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and
1189 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

1190 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code
1191 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.

1192 A teacher who is so notified that he or she is to be demoted or that his or her contract will
1193 not be renewed has the right to the procedures set forth in subsections (b) through (f) of
1194 Code Section 20-2-940 before the intended action is taken. A teacher who has the right
1195 to these procedures must serve written notice on the superintendent of the local board
1196 employing the teacher within 20 days of the day the notice of the intended action is
1197 served that he or she requests a hearing. In order to be effective, such written notice that
1198 the teacher requests implementation of such procedures must be served by certified mail
1199 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.
1200 Within 14 days of service of the request to implement the procedures, the local board
1201 must furnish the teacher a notice that complies with the requirements of subsection (b)
1202 of Code Section 20-2-940.

1203 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,
1204 while the teacher is serving under the third consecutive school year contract, the local
1205 board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew
1206 the teacher's contract for the ensuing school year, and the teacher does not serve notice
1207 in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school
1208 year that he or she does not accept the fourth consecutive school year contract.

1209 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection
1210 who is subsequently employed by another local board of education and who accepts a

1211 second consecutive school year contract from the local board at which the teacher is
 1212 subsequently employed may be demoted or the teacher's contract may not be renewed
 1213 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The
 1214 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a
 1215 teacher.

1216 (5) A teacher is deemed to have accepted a second consecutive school year contract if,
 1217 while the teacher is serving under the first school year contract, the local board does not
 1218 serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's
 1219 contract for the ensuing school year, and the teacher does not serve notice in writing on
 1220 the local board of education by ~~May 1~~ June 1 of the first school year that he or she does
 1221 not accept the second consecutive school year contract.

1222 (6) Local boards shall make contract offers available to teachers for a minimum ten-day
 1223 review period. A teacher accepts the contract by signing and returning it any time during
 1224 the ten-day period.

1225 (7)(A) Professional certificated personnel employed by a county or independent local
 1226 school system that becomes consolidated with or merged into another county or
 1227 independent local school system as provided in Article 8 of this chapter or otherwise
 1228 shall retain their employment, except as provided in subparagraph (B) of this paragraph,
 1229 in the newly created, or surviving, school system. ~~Said~~ Such professional certificated
 1230 personnel shall retain and carry over all the rights already accrued and earned in the
 1231 professional certificated personnel's prior school system and as set forth in this
 1232 paragraph.

1233 (B) Any reductions in staff due to loss of students or cancellation of programs in the
 1234 newly created, or surviving, school system necessitated by the consolidation or merger
 1235 shall be made first in preference of retaining professional certificated personnel on the
 1236 basis of uniformly applied criteria set forth in local school board policies of the newly
 1237 created, or surviving, school system."

1238 **SECTION 38A.**

1239 Said chapter is further amended by adding a new article to read as follows:

1240 "ARTICLE 19A

1241 20-2-1020.

1242 (a) To educate students about the sacrifices made for freedom in the founding of this
 1243 country and the values, principles, and philosophies on which this country was founded,
 1244 it is strongly encouraged that the full week in September which includes Constitution Day,

1245 September 17, is recognized in public elementary, middle, and high schools in this state as
 1246 Celebrate Freedom Week. It is strongly encouraged that Celebrate Freedom Week include
 1247 approximately three hours of appropriate instruction, as determined by each local school
 1248 system, in each social studies class. It is strongly encouraged that the instruction include
 1249 an age-appropriate study of the intent, meaning, and importance of the Declaration of
 1250 Independence and the United States Constitution, including the Bill of Rights, in their
 1251 historical context including the background of the colonial era along with instruction about
 1252 the Founding Fathers, such as the signers of the Declaration of Independence and the
 1253 United States Constitution, the first six Presidents, and particularly George Washington.
 1254 The religious references in the writings of the Founding Fathers shall not be censored.
 1255 During Celebrate Freedom Week, it is strongly encouraged that local school systems
 1256 suggest that students in grades three through 12 read at least one book during the school
 1257 year that focuses on the Founding Era, either the times and events or the people who made
 1258 significant contributions to independence or toward establishing the new federal or state
 1259 governments. In addition, local school systems are strongly encouraged to require students
 1260 in grades three through 12 to recite at least one of the following three excerpts at least once
 1261 during the week, and local school systems are encouraged to require daily recitations from
 1262 one or all of these excerpts at the beginning of each school day:

1263 (1) From the Declaration of Independence:

1264 We hold these Truths to be self-evident, that all Men are created equal, that they are
 1265 endowed by their Creator with certain unalienable Rights, that among these are Life,
 1266 Liberty, and the Pursuit of Happiness – That to secure these Rights, Governments are
 1267 instituted among Men, deriving their just Powers from the Consent of the Governed;

1268 (2) From the Preamble of the U.S. Constitution:

1269 We the people of the United States, in Order to form a more perfect Union, establish
 1270 Justice, insure domestic Tranquility, provide for the common defense, promote the
 1271 general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do
 1272 ordain and establish this Constitution for the United States of America.; or

1273 (3) From the First Amendment of the Bill of Rights:

1274 Congress shall make no law respecting an establishment of religion, or prohibiting the
 1275 free exercise thereof; or abridging the freedom of speech or of the press, or the right of
 1276 the people peaceably to assemble, and to petition the Government for a redress of
 1277 grievances.

1278 (b) Upon written request from a student's parent or guardian, a local school system shall
 1279 excuse the student from the recitation required by this Code section. This Code section
 1280 shall not apply to a student who:

1281 (1) Has a conscientious objection to the recitation; or

1282 (2) Is the child of a representative of a foreign government to whom the United States
 1283 government extends diplomatic immunity.

1284 (c) This Code section shall apply beginning with the 2016-2017 school year.

1285 20-2-1021.

1286 (a) To increase student understanding of, and familiarity with, American historical
 1287 documents, public schools may display historically important excerpts from, or copies of,
 1288 those documents in school classrooms and common areas as appropriate. Local boards of
 1289 education and charter schools are strongly encouraged to allow and may encourage any
 1290 public school teacher or administrator to read or post in a public school building,
 1291 classroom, or event excerpts or portions of writings, documents, records, or images that
 1292 reflect the history of the United States, including, but not limited to:

1293 (1) The Preamble to the Georgia Constitution;

1294 (2) The Declaration of Independence;

1295 (3) The United States Constitution, with emphasis on the 13th, 14th, and 15th
 1296 Amendments;

1297 (4) The Bill of Rights;

1298 (5) The Mayflower Compact;

1299 (6) The national motto;

1300 (7) The Pledge of Allegiance to the United States flag;

1301 (7.1) The Pledge of Allegiance to the Georgia flag;

1302 (8) The National Anthem;

1303 (9) The writings, speeches, documents, and proclamations of the Founding Fathers and
 1304 Presidents of the United States;

1305 (9.1) The Emancipation Proclamation;

1306 (9.2) The Gettysburg Address;

1307 (10) Decisions of the United States Supreme Court; and

1308 (11) Acts of the Congress of the United States, including the published text of the
 1309 Congressional Record.

1310 (b) As historical documents, there shall be no content based censorship of American
 1311 history and heritage documents referred to in this Code section due to their religious or
 1312 cultural nature.

1313 20-2-1022.

1314 To increase student understanding of, and familiarity with, American historical documents
 1315 and to provide curriculum support to classroom teachers of United States history, American
 1316 government and civics, economics, and social studies, the Department of Education is

1317 strongly encouraged to create an online instructional resource page or pages for teachers,
 1318 which may include, but is not limited to, links to websites, foundational documents, and
 1319 lesson plan ideas. In order to create shared digital resources available to all students in this
 1320 state, such online resources may be integrated with the Teacher Resource Link of the
 1321 Statewide Longitudinal Data System. At a minimum, such resource page or pages may
 1322 include the items in paragraphs (1) through (11) of subsection (a) of Code Section
 1323 20-2-1021 and may focus on the foundational principles of limited constitutional
 1324 government, federalism, religious liberty, freedom of speech, the right to private property,
 1325 free enterprise, and the rule of law. There shall be no content based censorship of
 1326 American history, writings of the Founding Fathers, or heritage documents referred to in
 1327 this Code section due to their religious or cultural nature. It is strongly encouraged that the
 1328 online teacher resource page be completed and made easily available to teachers no later
 1329 than July 31, 2016, and support the requirements specified in Code Section 20-2-1020."

1330

SECTION 39.

1331 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,
 1332 relating to local board tribunals to determine school law controversies, appeals, and special
 1333 provisions for disabled children, as follows:

1334 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue
 1335 after a hearing shall have the right to appeal therefrom to the State Board of Education.
 1336 The appeal shall be in writing and shall distinctly set forth the question in dispute, the
 1337 decision of the local board, and a concise statement of the reasons why the decision is
 1338 complained of; and the party taking the appeal shall also file with the appeal a transcript
 1339 of testimony certified as true and correct by the local school superintendent. The appeal
 1340 shall be filed with the superintendent within 30 days of the decision of the local board, and
 1341 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
 1342 appeal together with the transcript of evidence and proceedings, the decision of the local
 1343 board, and other matters in the file relating to the appeal to the state board. The state board
 1344 shall adopt regulations governing the procedure for hearings before the local board and
 1345 proceedings before it. The state board may affirm, reverse, or remand the local board
 1346 decision or may refer the matter to mediation."

1347

SECTION 40.

1348 Said chapter is further amended by revising subsection (b) of Code Section 20-2-2065,
 1349 relating to waiver of provisions of Title 20, as follows:

1350 "(b) In determining whether to approve a charter petition or renew an existing charter, the
1351 local board and state board shall ensure that a charter school, or for charter systems, each
1352 school within the system, shall be:

1353 (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based,
1354 provided that a charter school's nonprofit status shall not prevent the school from
1355 contracting for the services of a for profit entity and that nothing in this Code section
1356 shall preclude the use of computer and Internet based instruction for students in a virtual
1357 or remote setting;

1358 (2) Subject to the control and management of the local board of the local school system
1359 in which the charter school is located, as provided in the charter and in a manner
1360 consistent with the Constitution, if a local charter school;

1361 (3) Subject to the supervision of the state board, as provided in the charter and in a
1362 manner consistent with the Constitution, if a state chartered special school;

1363 (4) Organized and operated as a nonprofit corporation under the laws of this state;
1364 provided, however, that this paragraph shall not apply to any charter petitioner that is a
1365 local school, local school system, or state or local public entity;

1366 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
1367 relating to civil rights; insurance; the protection of the physical health and safety of
1368 school students, employees, and visitors; conflicting interest transactions; and the
1369 prevention of unlawful conduct; provided, however, that if:

1370 (A) A facility used for a charter school is owned or operated by any state agency or
1371 entity, and such facility or equipment purchased or used by the facility meets the safety
1372 standards of the state agency or entity that owns or operates such facility; or

1373 (B) A facility used for a charter school is owned by a local educational agency and
1374 operated utilizing standards of a state agency or entity, and such facility or equipment
1375 purchased or used by the facility meets the safety standards of the state agency or entity
1376 with respect to structural soundness and sufficient maintenance,

1377 the facility or equipment or both shall be deemed to meet the safety requirements of this
1378 paragraph; provided, further, that in no event shall the state agency or entity or local
1379 educational agency owner or operator of a charter school with such facility or equipment
1380 be disqualified from eligibility for state grants or for federal grants awarded pursuant to
1381 state regulations due to such facility or equipment;

1382 (6) Subject to all laws relating to unlawful conduct in or near a public school;

1383 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in
1384 the charter, by an independent certified public accountant licensed in this state; provided,
1385 however, that a separate audit shall not be required for a charter school if the charter

1386 school is included in the local school system audit conducted by the state auditor pursuant
 1387 to Code Section 50-6-6;

1388 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
 1389 provisions shall apply with respect to charter schools whose charters are granted or
 1390 renewed on or after July 1, 2000;

1391 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
 1392 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

1393 (10) Subject to the requirement that it shall not charge tuition or fees to its students
 1394 except as may be authorized for local boards by Code Section 20-2-133;

1395 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
 1396 quiet reflection;

1397 (12) Subject to the provisions of Code Section 20-2-210 relating to annual performance
 1398 evaluations;

1399 (13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and
 1400 criminal background checks; and

1401 ~~(13)~~(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating
 1402 to individual graduation plans."

1403 **SECTION 41.**

1404 Said chapter is further amended in Code Section 20-2-2067.1, relating to amendment of
 1405 terms of charter for charter schools, initial term of charter, and annual report by revising the
 1406 introductory language of subsection (c) as follows:

1407 "(c) Each start-up and conversion charter school and each charter system shall submit an
 1408 annual report outlining the previous year's progress to the authorizing local board or state
 1409 board, as appropriate; to parents and guardians of students enrolled in the school, or, for
 1410 a charter system, to parents and guardians of students enrolled in school within the local
 1411 school system; and to the Department of Education no later than ~~October 1~~ November 1
 1412 of each year. The report submitted by a charter system shall include, but not limited to,
 1413 data on all of its system charter schools. The report shall contain, but is not limited to:"

1414 **SECTION 42.**

1415 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section
 1416 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 1417 membership, and annual training, as follows:

1418 "(2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1419 shall concurrently submit such petition to the commission, to the local board of education
 1420 in which the school is proposed to be located, and to each local school system from which

1421 the proposed school plans to enroll students. The commission shall not act on a petition
1422 unless the local board of education in which the school is proposed to be located denies
1423 the petition; provided, however, that such local board shall approve or deny the petition
1424 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of
1425 Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve
1426 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall
1427 be deemed a denial for purposes of this paragraph. A local board that has denied a
1428 petition for a state charter school shall be permitted to present to the commission in
1429 writing or in person the reasons for denial and the deficiencies in such petition resulting
1430 in such denial."

1431 **SECTION 43.**

1432 An Act to provide in all counties of 500,000 or more population according to the United
1433 States Census of 1960 or any future United States Census that the pension board of the board
1434 of education in such counties shall recompute the pension paid to those teachers and
1435 employees who had retired as a matter of right prior to April 1, 1955, and who had been
1436 awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963,
1437 p. 2469), is repealed in its entirety.

1438 **SECTION 44.**

1439 All laws and parts of laws in conflict with this Act are repealed.