

Senate Bill 364

By: Senators Tippins of the 37th, Sims of the 12th, Wilkinson of the 50th, Shafer of the 48th, Cowsert of the 46th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the "Quality Basic Education Act," so as to revise provisions relating to annual
3 teacher, principal, and assistant principal evaluations; to revise provisions relating to student
4 assessment; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
8 "Quality Basic Education Act," is amended by revising subsection (b) of Code Section
9 20-2-210, relating to annual performance evaluations, as follows:

10 "(b)(1) No later than the 2014-2015 school year, each local school system and all charter
11 schools shall implement an evaluation system as adopted and defined by the State Board
12 of Education for elementary and secondary school teachers of record, assistant principals,
13 and principals. The evaluation system shall be developed by the department in
14 consultation with stakeholders, such as teachers and principals. The evaluation system
15 shall use multiple measures, prioritizing growth in student achievement. For purposes
16 of the evaluation system established pursuant to this subsection, the state board shall
17 define and designate teachers of record, assistant principals, and principals; provided,
18 however, that growth in student achievement shall not include the test scores of any
19 student who has not been in attendance for a specific course for at least 80 percent of the
20 instructional days for such course.

21 (2) Teachers of record, assistant principals, and principals shall be evaluated using
22 multiple, rigorous, and transparent measures. Beginning with the 2014-2015 school year,
23 teachers of record, assistant principals, and principals shall be given written notice in
24 advance of the school year of the evaluation measures and any specific indicators that
25 will be used to evaluate them. Evaluation For local school systems that are not under a
26 flexibility contract, evaluation measures shall include the following elements:

27 (A) For teachers of record who teach courses that are subject to annual state
28 assessments aligned with state standards and the principals and assistant principals of
29 elementary or secondary schools that are subject to such assessments, growth in student
30 achievement on such assessments shall count for at least 50 percent of the evaluation,
31 using the student growth and academic achievement measures identified in the
32 evaluation system;

33 (B) For teachers of record who teach courses not subject to annual state assessments,
34 growth in student achievement shall be assessed through measures of student
35 achievement growth developed at the school system level and approved by the
36 Department of Education. When sufficient data becomes available from the department
37 to calculate student achievement growth measures, such measures of student
38 achievement growth shall count for at least 50 percent of the evaluation, using student
39 growth and academic achievement measures developed by the school system in a
40 process approved by the State Board of Education;

41 (C) For teachers of record, the annual evaluation shall also include multiple additional
42 measures that shall be correlated with impacts on student achievement results. These
43 measures shall include multiple classroom observations each year by appropriately
44 trained and credentialed evaluators, using clear, consistent observation rubrics, and
45 supplemented by other measures aligned with student achievement, including student
46 perception data and documentation of practice; and

47 (D) For assistant principals and principals, the annual evaluation shall also include
48 multiple additional measures that shall be aligned with impacts on student achievement
49 results. These measures shall include multiple school observations each year by
50 appropriately trained and credentialed evaluators. When sufficient data becomes
51 available from the department to calculate performance measures, these measures shall
52 also include the principal's ability to attract and retain highly effective teachers,
53 effectively manage the school, and establish a positive climate for learning, and other
54 measures aligned with student achievement for students in all subgroups.

55 (3) Teachers of record, assistant principals, and principals shall be evaluated using
56 multiple, rigorous, and transparent measures. Beginning with the 2016-2017 school year,
57 teachers of record, assistant principals, and principals shall be given written notice in
58 advance of the school year of the evaluation measures and any specific indicators that
59 will be used to evaluate them. For local school systems that are under a flexibility
60 contract, evaluation measures shall include the following elements:

61 (A) For teachers of record who teach courses that are subject to annual state
62 assessments aligned with state standards, growth in student achievement on such
63 assessments shall count for at least 30 percent. The student growth measure shall be

64 composed of a minimum of 20 percent based on the state assessment and the remaining
 65 10 percent may utilize multiple measures as determined by the local school system's
 66 flexibility contract;

67 (B) For teachers of record who teach courses not subject to annual state assessments,
 68 growth in student achievement shall count for at least 30 percent. The student growth
 69 measure shall utilize at least one growth measure, but may utilize multiple measures as
 70 determined by the local school system's flexibility contract;

71 (C) For teachers of record, an additional 20 percent measure will be based on the
 72 achievement of the performance indicators, including goals informed by multiple
 73 student growth measures, the results of the teacher evaluations, observations, and
 74 standards of practice, and any additional measures included in the local school system's
 75 flexibility contract. The remaining 50 percent shall count for teacher evaluations,
 76 observations, and standards of practice. For teachers of record, the annual evaluation
 77 shall include multiple classroom observations each year by appropriately trained and
 78 credentialed evaluators, using clear, consistent observation rubrics, and supplemented
 79 by other measures aligned with student achievement, including student perception data
 80 and documentation of practice. A local school system may include in its flexibility
 81 contract a provision that for a teacher with three or more consecutive years of
 82 experience with a rating level of 'Exemplary' or 'Proficient' pursuant to paragraph (4)
 83 of this subsection, the evaluator may, in his or her discretion, reduce the number of
 84 classroom observations for any such teacher; and

85 (D) For principals and assistant principals, growth in student achievement shall count
 86 for at least 40 percent. The student growth measure shall be composed of a minimum
 87 of 30 percent state assessment with the remaining 10 percent utilizing multiple student
 88 growth measures as determined by the local school system's flexibility contract. An
 89 additional 10 percent shall be based on achievement gap closure; 10 percent on school
 90 climate; 10 percent on Beat the Odds or CCRPI data, as determined by flexibility
 91 contract; and 30 percent on leader evaluations, observations, and standards of practice.

92 ~~(3)~~(4) The evaluation system adopted by the State Board of Education shall give every
 93 teacher of record, assistant principal, and principal one of four rating levels that are
 94 designated as 'Exemplary,' 'Proficient,' 'Needs Development,' or 'Ineffective,' as further
 95 defined by the State Board of Education. A rating of 'Ineffective' shall constitute
 96 evidence of incompetency as provided by paragraph (1) of subsection (a) of Code Section
 97 20-2-940.

98 ~~(4)~~(5) All teachers of record, assistant principals, and principals shall have a
 99 pre-evaluation conference, midyear evaluation conference, and a summative evaluation
 100 conference, in accordance with state board rules. All teachers of record, assistant

101 principals, and principals shall be notified of and have access to the results of the annual
 102 summative performance evaluation and any formative observations conducted throughout
 103 the school year pursuant to this subsection within five working days of such evaluation
 104 or observations. A teacher of record, assistant principal, or principal, or an evaluator of
 105 any such individuals, may request a conference within ten working days of notice of
 106 results of a formative observation and such conference shall be provided within ten
 107 working days of the request. Conferences shall include the individual being evaluated,
 108 his or her supervisor, and the evaluator, unless otherwise agreed upon.

109 ~~(5)~~(6) In order to ensure proper implementation of the evaluation system developed
 110 pursuant to this Code section, the Department of Education shall:

111 (A) Establish processes and requirements to determine the teacher of record for
 112 purposes of assigning student achievement scores to a teacher in evaluating the
 113 teacher's performance;

114 (B) Establish processes for roster verification and student teacher linkages in order to
 115 assign the student's achievement scores to the teacher for the purposes of evaluating the
 116 teacher's performance;

117 (C) Establish minimum training and credentialing requirements for evaluators of
 118 teachers and principals; and

119 (D) Provide data systems to support the professional growth of teachers and leaders
 120 and facilitate human capital management.

121 (7) As used in this subsection, the term 'flexibility contract' means a charter for a charter
 122 system or a contract entered into with the State Board of Education for a strategic waivers
 123 school system."

124 SECTION 2.

125 Said article is further amended by revising Code Section 20-2-281, relating to student
 126 assessments, as follows:

127 20-2-281.

128 (a) The State Board of Education shall adopt a student assessment program consisting of
 129 instruments, procedures, and policies necessary to implement the program and shall fund
 130 all costs of providing and scoring such instruments, subject to appropriation by the General
 131 Assembly. The student assessment program shall include a comprehensive summative
 132 assessment program for grades three through 12. In addition, each local school system
 133 shall administer, with state funding, a research based formative assessment with a
 134 summative component that is tied to performance indicators in English and language
 135 arts/reading in grades one and two, subject to available appropriations. Each local school
 136 system may elect to administer, with state funding, nationally norm-referenced instruments

137 in reading, mathematics, science, or social studies in grade three, four, or five and in grade
138 six, seven, or eight, subject to available appropriations, with assistance to such school
139 systems by the State Board of Education with regard to administration guidance, scoring,
140 and reporting of such instruments. Further, the State Board of Education shall adopt a
141 school readiness assessment for students entering first grade and shall administer such
142 assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151. Each
143 local school system is strongly encouraged to develop and implement a program of
144 multiple formative assessment and intervention assessments in reading and mathematics
145 for kindergarten through third grade and mathematics for kindergarten through fifth grade
146 to ensure that students are on track to meet grade-level expectations, including mastery in
147 reading by the end of third grade to prepare for the infusion of literacy in subsequent grades
148 and mastery in basic mathematics skills by the end of fifth grade and in accordance with
149 the local school system's five-year strategic plan, performance indicators, and, if applicable,
150 flexibility contract. The State Board of Education shall periodically review, revise, and
151 upgrade the content standards. Following the adoption of such content standards, the State
152 Board of Education shall contract for development of end-of-grade assessments to measure
153 the content standards. Such As part of the comprehensive summative assessment program,
154 end-of-grade assessments in English, language arts/reading, and mathematics shall be
155 administered annually to students in grades three through eight, and such tests in science
156 and social studies shall be administered annually to students in grades three through five
157 and eight; provided, however, that for local school systems that have a program of multiple
158 formative assessments during the course of the academic year that result in a single
159 summative score that is valid and reliable in measuring student achievement or growth,
160 such local assessments may take the place of an end-of-grade assessment, if provided for
161 in the terms of a flexibility contract. These tests shall contain features that allow for
162 comparability to other states with whom establishing such comparison would be
163 statistically sound; provided, however, that no such comparison shall be conducted which
164 would relinquish any measure of control over assessments to any individual or entity
165 outside the state. This action shall be completed according to a schedule established by the
166 State Board of Education. Further, as part of the comprehensive summative assessment
167 program, the State Board of Education shall adopt and administer, through the Department
168 of Education, end-of-course assessments for students in grades nine through 12 for all core
169 subjects, as determined by the state board. Writing performance shall be assessed, at a
170 minimum, for students in grades three, five, eight, and 11 and may be assessed for students
171 in additional grade levels as designated by the State Board of Education. Such required
172 writing performance assessment may be embedded within the assessments included in the
173 comprehensive summative assessment program. Writing performance results shall be

174 provided to students and their parents. As used in this subsection, the term 'flexibility
 175 contract' means a charter for a charter system or a contract entered into with the State
 176 Board of Education for a strategic waivers school system.

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

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

198 (c) The State Board of Education shall have the authority to condition the awarding of a
 199 high school diploma to a student upon achievement of satisfactory scores on end-of course
 200 assessments and other instruments adopted and administered by the state board pursuant
 201 to subsection (a) of this Code section ~~and the end-of-course assessments adopted and~~
 202 ~~administered by the state board pursuant to subsections (f) and (h) of this Code section.~~
 203 The state board is authorized and directed to adopt regulations providing that any disabled
 204 child, as defined by the provisions of this article, shall be afforded opportunities to take any
 205 test adopted by the state board as a condition for the awarding of a high school diploma.
 206 Such regulations shall further provide for appropriate accommodations in the
 207 administration of such test. Such regulations shall further provide for the awarding of a
 208 special education diploma to any disabled student who is lawfully assigned to a special
 209 education program and who does not achieve a passing score on such test or who has not

210 completed all of the requirements for a high school diploma but who has nevertheless
 211 completed his or her Individualized Education Program.

212 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 213 administered to those students with significant cognitive disabilities, receiving special
 214 education services pursuant to Code Section 20-2-152, who cannot access the state
 215 adopted content standards without appropriate accommodations to those standards and
 216 for whom the assessment instruments adopted under ~~subsections~~ subsection (a) and (f)
 217 of this Code section, even with allowable accommodations, would not provide an
 218 appropriate measure of student achievement, as determined by the student's
 219 Individualized Education Program team. Such alternate assessments shall be aligned with
 220 alternate academic achievement standards that have been adopted through a documented
 221 and validated standards-setting process, for students with the most significant cognitive
 222 disabilities, provided those standards are aligned with the state standards established
 223 pursuant to Code Section 20-2-140 and promote access to the general education
 224 curriculum, consistent with the federal Individuals with Disabilities Education Act. The
 225 State Board of Education shall ensure that any alternate assessments developed or
 226 adopted pursuant to this subsection are in compliance with applicable federal law, but do
 227 not impose requirements in excess of such federal law in a manner that unduly burdens
 228 a local school system or that does not benefit students with the most significant cognitive
 229 disabilities.

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

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

237 (f) ~~The State Board of Education shall adopt end-of-course assessments for students in~~
 238 ~~grades nine through 12 for all core subjects to be determined by the state board.~~ For those
 239 students with an Individualized Education Program, each such student's Individualized
 240 Education Program team shall identify necessary accommodations in accordance with the
 241 federal Individuals with Disabilities Education Act and state board regulations.

242 (g) Under rules adopted by the State Board of Education, the Department of Education
 243 shall, subject to appropriations by the General Assembly, release some or all of the
 244 questions and answers to each end-of-grade assessment and each end-of-course assessment
 245 administered under subsection (a) of this Code section ~~and each end-of-course assessment~~

246 ~~administered under subsection (h) of this Code section~~ after the last time such assessment
247 is administered for a school year.

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

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

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

262 (k) In addition to the assessment instruments adopted by the State Board of Education and
263 administered by the Department of Education, a local school system may adopt and
264 administer criterion-referenced or norm-referenced assessment instruments, or both, at any
265 grade level. Such locally adopted assessment instruments may not replace the state's
266 adopted assessment instruments for purposes of state accountability programs. A local
267 school system shall be responsible for all costs and expenses incurred for locally adopted
268 assessment instruments. Students with Individualized Education Programs must be
269 included in the locally adopted assessments or provided an alternate assessment in
270 accordance with the federal Individuals with Disabilities Education Act.

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

278 (m) The results of individual student performance on academic skills assessment
279 instruments administered under this Code section shall be confidential and may be released
280 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
281 20 U.S.C. Section 1232g.

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

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

290 (p) Teachers in kindergarten through grade 12 shall be offered the opportunity to
 291 participate annually in a staff development program on the use of tests within the
 292 instructional program designed to improve students' academic achievement. This program
 293 shall instruct teachers on curriculum alignment related to tests, disaggregated student test
 294 data to identify student academic weaknesses by subtests, and other appropriate
 295 applications as determined by the State Board of Education.

296 (q) The State Board of Education shall consider the passage by a student of an industry
 297 certification examination or a state licensure examination which is approved by the State
 298 Board of Education or a ~~COMPASS~~ an ACCUPLACER score approved by the State Board
 299 of Education when considering whether to grant such student a variance or a waiver of one
 300 or more end-of-course assessments or other instruments required by the State Board of
 301 Education pursuant to subsection (c) of this Code section in order to obtain a Georgia high
 302 school diploma; provided, however, that the state board shall not grant a variance to a
 303 student unless the student has attempted and failed to pass the relevant end-of-course
 304 assessment or assessments at least four times.

305 (r) Local boards of education shall have the flexibility to administer state required
 306 assessments on any dates within the testing window established by the Department of
 307 Education; provided, however, that local boards of education are strongly encouraged to
 308 administer any such state required assessments within the last week of the school system's
 309 midyear semester, for assessments administered at the end of a midyear semester, and
 310 within the last two weeks of the school year for the school system, for assessments
 311 administered at the end of the academic year."

312 SECTION 3.

313 Said article is further amended by revising Code Section 20-2-283, relating to specific
 314 requirements for students in grades three, five, and eight, as follows:

315 "20-2-283.

316 (a) No later than January 1, 2002, the State Board of Education shall adopt criteria for the
317 development of a placement and promotion policy by each local board of education
318 consistent with the Georgia Academic Placement and Promotion Policy.

319 (b) Such criteria as adopted by the State Board of Education shall require the following for
320 students in grades three, five, and eight:

321 (1) No student shall be promoted, except as provided in this Code section, to:

322 (A) The fourth grade program to which the student would otherwise be assigned if the
323 student does not achieve grade level as defined by the Office of Student Achievement
324 in accordance with Code Section 20-14-31 on the third grade end-of-grade reading
325 assessment developed in accordance with subsection (a) of Code Section 20-2-281 or
326 on locally implemented multiple formative assessments that result in a single
327 summative score that is valid and reliable in measuring student achievement or growth
328 and meet the promotional standards and criteria established by the State Board of
329 Education and by the local school board for the school that the student attends;

330 (B) The sixth grade program to which the student would otherwise be assigned if the
331 student does not achieve grade level as defined by the Office of Student Achievement
332 in accordance with Code Section 20-14-31 on the fifth grade end-of-grade mathematics
333 assessment and fifth grade end-of-grade reading assessment developed in accordance
334 with subsection (a) of Code Section 20-2-281 or on locally implemented multiple
335 formative assessments that result in a single summative score that is valid and reliable
336 in measuring student achievement or growth and meet the promotional standards and
337 criteria established by the State Board of Education and by the local school board for
338 the school that the student attends; or

339 (C) The ninth grade program to which the student would otherwise be assigned if the
340 student does not achieve grade level as defined by the Office of Student Achievement
341 in accordance with Code Section 20-14-31 on the eighth grade end-of-grade
342 mathematics assessment and eighth grade end-of-grade reading assessment developed
343 in accordance with subsection (a) of Code Section 20-2-281 or on locally implemented
344 multiple formative assessments that result in a single summative score that is valid and
345 reliable in measuring student achievement or growth and meet the promotional
346 standards and criteria established by the State Board of Education and by the local
347 school board for the school that the student attends;

348 (2) When a student does not perform at grade level on any end-of-grade assessment
349 specified in paragraph (1) of this subsection then the following shall occur:

350 (A) The parent or guardian of the student shall be notified in writing by first-class mail
351 by the school principal or such official's designee regarding the student's performance

352 below grade level on the assessment instrument, the retest to be given the student, the
353 accelerated, differentiated, or additional instruction program to which the student is
354 assigned, and the possibility that the student might be retained at the same grade level
355 for the next school year;

356 (B) The student shall be retested with a an end-of-grade assessment or locally
357 implemented multiple formative assessments that result in a single summative score
358 that is valid and reliable in measuring student achievement or growth or an alternative
359 assessment instrument that is appropriate for the student's grade level as provided for
360 by the State Board of Education and the local board of education. The local board of
361 education shall be authorized to establish other indicators for purposes of promotion,
362 placement, or retention of a student, in accordance with the terms of the charter, for a
363 charter system, or the terms of a contract, for a strategic waivers school system; and

364 (C) The student shall be given an opportunity for accelerated, differentiated, or
365 additional instruction in the applicable subject; and

366 (3) When a student does not perform at grade level on any end-of-grade assessment
367 specified in paragraph (1) of this subsection and also does not perform at grade level on
368 a second additional opportunity as provided for in paragraph (2) of this subsection then
369 the following shall occur:

370 (A) The school principal or the principal's designee shall retain the student for the next
371 school year except as otherwise provided in this subsection;

372 (B) The school principal or the principal's designee shall notify in writing by first-class
373 mail the parent or guardian of the student and the teacher regarding the decision to
374 retain the student. The notice shall describe the option of the parent, guardian, or
375 teacher to appeal the decision to retain the student and shall further describe the
376 composition and functions of the placement committee as provided for in this
377 subsection, including the requirement that a decision to promote the student must be a
378 unanimous decision of the committee;

379 (C) If the parent, guardian, or teacher appeals the decision to retain the student, then
380 the school principal or designee shall establish a placement committee composed of the
381 principal or the principal's designee, the student's parent or guardian, and the teacher
382 of the subject of the assessment instrument on which the student failed to perform at
383 grade level and shall notify in writing by first-class mail the parent or guardian of the
384 time and place for convening the placement committee;

385 (D) The placement committee shall:

386 (i) Review the overall academic achievement of the student in light of the
387 performance on the end-of-grade assessment and the standards and criteria as adopted
388 by the local board of education and make a determination to promote or retain. A

389 decision to promote must be a unanimous decision and must determine that if
 390 promoted and given accelerated, differentiated, or additional instruction during the
 391 next year, the student is likely to perform at grade level as defined by the Office of
 392 Student Achievement in accordance with Code Section 20-14-31 by the conclusion
 393 of the school year; and

394 (ii) Prescribe for the student, whether the student is retained or promoted, such
 395 accelerated, differentiated, or additional instruction as needed to perform at grade
 396 level by the conclusion of the subsequent school year, prescribe such additional
 397 assessments as may be appropriate in addition to assessments administered to other
 398 students at the grade level during the year, and provide for a plan of continuous
 399 assessment during the subsequent school year in order to monitor the progress of the
 400 student;

401 (E) For students receiving special education or related services, the Individualized
 402 Education Plan Committee shall serve as the placement committee; and

403 (F) The decision of the placement committee may be appealed only as provided for by
 404 the local board of education.

405 (c) This Code section does not preclude the retention by the school principal or the
 406 principal's designee of a student who performs satisfactorily on the end-of-grade
 407 assessments specified in paragraph (1) of subsection (b) of this Code section as provided
 408 for by the local board of education.

409 (d) This Code section does not create a property interest in promotion.

410 (e) The State Board of Education shall establish policies and procedures for
 411 implementation of this Code section."

412 **SECTION 4.**

413 Said article is further amended by revising Code Section 20-2-284, relating to criteria for
 414 local boards of education and model placement and promotion policy, as follows:

415 "20-2-284.

416 (a) No later than July 1, 2003, each local board of education shall develop and adopt a
 417 placement and promotion policy in accordance with the criteria established by the State
 418 Board of Education as provided in Code Section 20-2-283 and consistent with the Georgia
 419 Academic Placement and Promotion Policy.

420 (b) Except for those end-of-grade assessments specified in Code Section 20-2-283, the
 421 placement and promotion policy as developed and adopted by each local board of
 422 education shall state how the end-of-grade assessments administered under Code Section
 423 20-2-281 for grades one through eight or the locally implemented multiple formative
 424 assessments that result in a single summative score that is valid and reliable in measuring

425 student achievement or growth will be weighted or otherwise utilized by the school
426 principal or the principal's designee in determining the overall academic achievement of
427 a student and an appropriate plan of accelerated, differentiated, or additional instruction,
428 placement, promotion, or retention of a student.

429 (c) To assist each local board of education, the State Board of Education shall develop a
430 model placement and promotion policy which may be utilized by a local board of
431 education."

432 **SECTION 5.**

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