

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

AS PASSED SENATE

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 **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~~ as specified in
16 this subsection. For purposes of the evaluation system established pursuant to this
17 subsection, the state board shall define and designate teachers of record, assistant
18 principals, and principals; provided, however, that growth in student achievement shall
19 not include the test scores of any student who has not been in attendance for a specific
20 course for at least 80 percent of the 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. Teachers of record, assistant principals, and
57 principals shall be given written notice in advance of the school year of the evaluation
58 measures and any specific indicators that will be used to evaluate them. Beginning with
59 the 2016-2017 school year, for local school systems that are under a flexibility contract,
60 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, the evaluation shall be composed of the
63 following:

64 (i) Student growth shall count for 30 percent of the evaluation. Student growth shall
65 be composed of a minimum of 20 percent of the score on the annual state assessment
66 and the remaining 10 percent may utilize other student growth indicators as allowed
67 by the local school system's flexibility contract;

68 (ii) Professional growth shall count for 20 percent of the evaluation. Professional
69 growth shall be measured by progress toward or attainment of professional growth
70 goals within an academic school year or across academic school years. Professional
71 growth goals may include measurements based on multiple student growth indicators,
72 evaluations and observations, standards of practice, and any additional professional
73 growth measures allowed by the local school system's flexibility contract; and

74 (iii) Teacher evaluations and observations conducted pursuant to paragraph (5) of this
75 subsection shall count for 50 percent of the evaluation.

76 (B) For teachers of record who teach courses that are not subject to annual state
77 assessments aligned with state standards, the evaluation shall be composed of the
78 following:

79 (i) Student growth shall count for 30 percent of the evaluation. Student growth shall
80 include a minimum of one student growth measure and may utilize other student
81 growth indicators, including the median school or local school system total score on
82 the annual state assessments, as allowed by the local school system's flexibility
83 contract;

84 (ii) Professional growth shall count for 20 percent of the evaluation. Professional
85 growth shall be measured by progress toward or attainment of professional growth
86 goals within an academic school year or across academic school years. Professional
87 growth goals may include measurements based on multiple student growth indicators,
88 evaluations and observations, standards of practice, and any additional professional
89 growth measures allowed by the local school system's flexibility contract; and

90 (iii) Teacher evaluations and observations conducted pursuant to paragraph (5) of this
91 subsection shall count for 50 percent of the evaluation.

92 (C) For principals and assistant principals, the evaluation shall be composed of the
93 following:

94 (i) Student growth shall count for 40 percent of the evaluation. Student growth shall
95 be composed of a minimum of 30 percent median school score on state assessments
96 with the remaining 10 percent utilizing multiple student growth indicators as allowed
97 by the local school system's flexibility contract;

98 (ii) School climate shall count for 10 percent of the evaluation;

99 (iii) A combination of achievement gap closure, Beat the Odds, and College and
 100 Career Readiness Performance Index data, as allowed by the flexibility contract, shall
 101 count for 20 percent of the evaluation; and

102 (iv) The results of evaluations, observations, and standards of practice shall count for
 103 30 percent of the evaluation.

104 ~~(3)~~(4) The evaluation system adopted by the State Board of Education shall give every
 105 teacher of record, assistant principal, and principal one of four rating levels that are
 106 designated as 'Exemplary,' 'Proficient,' 'Needs Development,' or 'Ineffective,' as further
 107 defined by the State Board of Education. A rating of 'Ineffective' shall constitute
 108 evidence of incompetency as provided by paragraph (1) of subsection (a) of Code Section
 109 20-2-940.

110 ~~(4)~~(5) All teachers of record, assistant principals, and principals shall have a
 111 pre-evaluation conference, midyear evaluation conference, and a summative evaluation
 112 conference, in accordance with state board rules. All teachers of record, assistant
 113 principals, and principals shall be notified of and have access to the results of the annual
 114 summative performance evaluation and any formative observations conducted throughout
 115 the school year pursuant to this subsection within ~~five~~ ten working days of such
 116 evaluation or observations. A teacher of record, assistant principal, or principal, or an
 117 evaluator of any such individuals, may request a conference within ten working days of
 118 notice of results of a formative observation and such conference shall be provided within
 119 ten working days of the request. Conferences shall include the individual being
 120 evaluated, his or her supervisor, and the evaluator, unless otherwise agreed upon. For
 121 teachers of record, the annual evaluation shall include multiple classroom observations
 122 conducted each year by appropriately trained and credentialed evaluators, using clear,
 123 consistent observation rubrics, and supplemented by other measures aligned with student
 124 achievement and professional growth. A local school system may include in its
 125 flexibility contract a provision for a tiered evaluation system, in which reduced
 126 observations of certain teachers of record may be conducted to provide additional time
 127 for evaluators to coach and mentor new teachers and teachers with a performance rating
 128 of 'Needs Development' or 'Ineffective' pursuant to paragraph (4) of this subsection on
 129 a pathway of continuous improvement. For the evaluation of teachers of record with a
 130 minimum of three years' teaching experience and a performance rating of 'Proficient' or
 131 'Exemplary' pursuant to paragraph (4) of this subsection in the previous school year, the
 132 local school system, in its discretion, may require only two classroom observations and
 133 one summative evaluation for the school year.

134 ~~(5)~~(6) In order to ensure proper implementation of the evaluation system developed
 135 pursuant to this Code section, the Department of Education shall:

- 136 (A) Establish processes and requirements to determine the teacher of record for
 137 purposes of assigning student achievement scores to a teacher in evaluating the
 138 teacher's performance;
- 139 (B) Establish processes for roster verification and student teacher linkages in order to
 140 assign the student's achievement scores to the teacher for the purposes of evaluating the
 141 teacher's performance;
- 142 (C) Establish minimum training and credentialing requirements for evaluators of
 143 teachers and principals; and
- 144 (D) Provide data systems to support the professional growth of teachers and leaders
 145 and facilitate human capital management.
- 146 (7) As used in this subsection, the term 'flexibility contract' means a charter for a charter
 147 system or a contract entered into with the State Board of Education for a strategic waivers
 148 school system."

149 **SECTION 2.**

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

152 20-2-281.

- 153 (a) The State Board of Education shall adopt a student assessment program consisting of
 154 instruments, procedures, and policies necessary to implement the program and shall fund
 155 all costs of providing and scoring such instruments, subject to appropriation by the General
 156 Assembly. The student assessment program shall include a comprehensive summative
 157 assessment program for grades three through 12. In addition, each local school system
 158 shall administer, with state funding, a research based formative assessment with a
 159 summative component that is tied to performance indicators in English, language
 160 arts/reading, and mathematics in grades one and two, subject to available appropriations.
 161 Each local school system may elect to administer, with state funding, nationally
 162 norm-referenced instruments in reading, mathematics, science, or social studies in grade
 163 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
 164 with assistance to such school systems by the State Board of Education with regard to
 165 administration guidance, scoring, and reporting of such instruments. Further, the State
 166 Board of Education shall adopt a school readiness assessment for students entering first
 167 grade and shall administer such assessment pursuant to paragraph (2) of subsection (b) of
 168 Code Section 20-2-151. Each local school system is strongly encouraged to develop and
 169 implement a program of multiple formative assessment and intervention assessments in
 170 reading and mathematics for kindergarten through third grade and mathematics for
 171 kindergarten through fifth grade to ensure that students entering sixth grade are on track

172 to meet grade-level expectations, including mastery in reading by the end of third grade to
173 prepare for the infusion of literacy in subsequent grades and mastery in basic mathematics
174 skills by the end of fifth grade and in accordance with the local school system's five-year
175 strategic plan, performance indicators, and, if applicable, flexibility contract. The State
176 Board of Education shall periodically review, revise, and upgrade the content standards.
177 Following the adoption of such content standards, the State Board of Education shall
178 contract for development of end-of-grade assessments to measure the content standards.
179 ~~Such~~ As part of the comprehensive summative assessment program, end-of-grade
180 assessments in English, language arts/reading, and mathematics shall be administered
181 annually to students in grades three through eight, and such tests in science and social
182 studies shall be administered annually to students in grades ~~three through~~ five and eight.
183 For local school systems that have an existing program of multiple formative assessments
184 during the course of the academic year that result in a single summative score that is valid
185 and reliable in measuring individual student achievement or growth and assessing
186 individual student needs or deficiencies, such local assessments may take the place of an
187 end-of-grade assessment, if provided for in the terms of the local school system's flexibility
188 contract. These tests shall contain features that allow for comparability to other states with
189 whom establishing such comparison would be statistically sound; provided, however, that
190 no such comparison shall be conducted which would relinquish any measure of control
191 over assessments to any individual or entity outside the state. ~~This action shall be~~
192 ~~completed according to a schedule established by the State Board of Education.~~ Further,
193 as part of the comprehensive summative assessment program, the State Board of Education
194 shall adopt and administer, through the Department of Education, end-of-course
195 assessments for students in grades nine through 12 for all core subjects, as determined by
196 the state board. Writing performance shall be assessed, at a minimum, for students in
197 grades three, five, eight, and 11 and may be assessed for students in additional grade levels
198 as designated by the State Board of Education. Such required writing performance
199 assessment may be embedded within the assessments included in the comprehensive
200 summative assessment program. Writing performance results shall be provided to students
201 and their parents. As used in this subsection, the term 'flexibility contract' means a charter
202 for a charter system or a contract entered into with the State Board of Education for a
203 strategic waivers school system.

204 (b) The nationally norm-referenced instruments provided for in subsection (a) of this Code
205 section shall provide students and their parents with grade equivalencies and percentile
206 ranks which result from the administration of such instruments. End-of-grade assessments
207 shall provide for results that reflect student achievement at the individual student,
208 classroom, school, system, state, and national levels. The State Board of Education shall

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

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

225 (c) The State Board of Education shall have the authority to condition the awarding of a
 226 high school diploma to a student upon achievement of satisfactory scores on end-of course
 227 assessments and other instruments adopted and administered by the state board pursuant
 228 to subsection (a) of this Code section ~~and the end-of-course assessments adopted and~~
 229 ~~administered by the state board pursuant to subsections (f) and (h) of this Code section.~~
 230 The state board is authorized and directed to adopt regulations providing that any disabled
 231 child, as defined by the provisions of this article, shall be afforded opportunities to take any
 232 test adopted by the state board as a condition for the awarding of a high school diploma.
 233 Such regulations shall further provide for appropriate accommodations in the
 234 administration of such test. Such regulations shall further provide for the awarding of a
 235 special education diploma to any disabled student who is lawfully assigned to a special
 236 education program and who does not achieve a passing score on such test or who has not
 237 completed all of the requirements for a high school diploma but who has nevertheless
 238 completed his or her Individualized Education Program.

239 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 240 administered to those students with significant cognitive disabilities, receiving special
 241 education services pursuant to Code Section 20-2-152, who cannot access the state
 242 adopted content standards without appropriate accommodations to those standards and
 243 for whom the assessment instruments adopted under ~~subsections~~ subsection (a) ~~and (f)~~
 244 of this Code section, even with allowable accommodations, would not provide an
 245 appropriate measure of student achievement, as determined by the student's

246 Individualized Education Program team. Such alternate assessments shall be aligned with
 247 alternate academic achievement standards that have been adopted through a documented
 248 and validated standards-setting process, for students with the most significant cognitive
 249 disabilities, provided those standards are aligned with the state standards established
 250 pursuant to Code Section 20-2-140 and promote access to the general education
 251 curriculum, consistent with the federal Individuals with Disabilities Education Act. The
 252 State Board of Education shall ensure that any alternate assessments developed or
 253 adopted pursuant to this subsection are in compliance with applicable federal law, but do
 254 not impose requirements in excess of such federal law in a manner that unduly burdens
 255 a local school system or that does not benefit students with the most significant cognitive
 256 disabilities.

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

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

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

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

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

280 (i) The Department of Education shall develop study guides for the end-of-grade
 281 assessments and end-of-course assessments administered pursuant to ~~subsections~~
 282 subsection (a) and (h) of this Code section. Each school system shall distribute the study

283 guides to students who do not perform satisfactorily on one or more parts of an assessment
284 instrument administered under this Code section and to the parents or guardians of such
285 students.

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

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

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

305 (m) The results of individual student performance on academic skills assessment
306 instruments administered under this Code section shall be confidential and may be released
307 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
308 20 U.S.C. Section 1232g.

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

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

317 (p) Teachers in kindergarten through grade 12 shall be offered the opportunity to
318 participate annually in a staff development program on the use of tests within the
319 instructional program designed to improve students' academic achievement. This program

320 shall instruct teachers on curriculum alignment related to tests, disaggregated student test
 321 data to identify student academic weaknesses by subtests, and other appropriate
 322 applications as determined by the State Board of Education.

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

332 (r) Local boards of education shall have the flexibility to administer state required
 333 assessments on any dates within the testing window established by the Department of
 334 Education; provided, however, that local boards of education are strongly encouraged to
 335 administer any such state required assessments within the last week of the school system's
 336 midyear semester, for assessments administered at the end of a midyear semester, and
 337 within the last two weeks of the school year for the school system, for assessments
 338 administered at the end of the academic year.

339 (s) All assessments adopted or developed by the State Board of Education pursuant to this
 340 Code section shall be verified for reliability and validity by a nationally recognized,
 341 research based, third-party evaluator."

342 SECTION 3.

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

345 "20-2-283.

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

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

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

352 (A) The fourth grade program to which the student would otherwise be assigned if the
 353 student does not achieve grade level as defined by the Office of Student Achievement
 354 in accordance with Code Section 20-14-31 on the third grade end-of-grade reading
 355 assessment developed in accordance with subsection (a) of Code Section 20-2-281 or

356 on locally implemented multiple formative assessments that result in a single
 357 summative score that is valid and reliable in measuring student achievement or growth
 358 and meet the promotional standards and criteria established by the State Board of
 359 Education and by the local school board for the school that the student attends;

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

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

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

380 (A) The parent or guardian of the student shall be notified in writing by first-class mail
 381 by the school principal or such official's designee regarding the student's performance
 382 below grade level on the assessment instrument, the retest to be given the student, the
 383 accelerated, differentiated, or additional instruction program to which the student is
 384 assigned, and the possibility that the student might be retained at the same grade level
 385 for the next school year;

386 (B) The student shall be retested with a an end-of-grade assessment or locally
 387 implemented multiple formative assessments that result in a single summative score
 388 that is valid and reliable in measuring student achievement or growth or an alternative
 389 assessment instrument that is appropriate for the student's grade level as provided for
 390 by the State Board of Education and the local board of education. The local board of
 391 education shall be authorized to establish other indicators for purposes of promotion,

392 placement, or retention of a student, in accordance with the terms of the charter, for a
393 charter system, or the terms of a contract, for a strategic waivers school system; and

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

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

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

402 (B) The school principal or the principal's designee shall notify in writing by first-class
403 mail the parent or guardian of the student and the teacher regarding the decision to
404 retain the student. The notice shall describe the option of the parent, guardian, or
405 teacher to appeal the decision to retain the student and shall further describe the
406 composition and functions of the placement committee as provided for in this
407 subsection, including the requirement that a decision to promote the student must be a
408 unanimous decision of the committee;

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

415 (D) The placement committee shall:

416 (i) Review the overall academic achievement of the student in light of the
417 performance on the end-of-grade assessment and the standards and criteria as adopted
418 by the local board of education and make a determination to promote or retain. A
419 decision to promote must be a unanimous decision and must determine that if
420 promoted and given accelerated, differentiated, or additional instruction during the
421 next year, the student is likely to perform at grade level as defined by the Office of
422 Student Achievement in accordance with Code Section 20-14-31 by the conclusion
423 of the school year; and

424 (ii) Prescribe for the student, whether the student is retained or promoted, such
425 accelerated, differentiated, or additional instruction as needed to perform at grade
426 level by the conclusion of the subsequent school year, prescribe such additional
427 assessments as may be appropriate in addition to assessments administered to other
428 students at the grade level during the year, and provide for a plan of continuous

429 assessment during the subsequent school year in order to monitor the progress of the
430 student;

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

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

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

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

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

442 **SECTION 4.**

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

445 "20-2-284.

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

450 (b) Except for those end-of-grade assessments specified in Code Section 20-2-283, the
451 placement and promotion policy as developed and adopted by each local board of
452 education shall state how the end-of-grade assessments administered under Code Section
453 20-2-281 for grades one through eight or the locally implemented multiple formative
454 assessments that result in a single summative score that is valid and reliable in measuring
455 student achievement or growth will be weighted or otherwise utilized by the school
456 principal or the principal's designee in determining the overall academic achievement of
457 a student and an appropriate plan of accelerated, differentiated, or additional instruction,
458 placement, promotion, or retention of a student.

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

462 **SECTION 5.**

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