

The Senate Committee on Education and Youth offered the following substitute to SB 362:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for the establishment of an innovative assessment pilot program; to provide for
3 participating local school systems; to provide exemptions from certain state-wide assessment
4 requirements; to provide for an annual report; to provide for revised accountability
5 requirements; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
9 Code Section 20-2-281, relating to student assessments in elementary and secondary
10 education, by revising subsection (a) as follows:

11 "(a) The State Board of Education shall adopt a student assessment program consisting of
12 instruments, procedures, and policies necessary to implement the program and shall fund
13 all costs of providing and scoring such instruments, subject to appropriation by the General
14 Assembly. The student assessment program shall include a comprehensive summative
15 assessment program for grades three through 12. In addition, each local school system
16 shall administer, with state funding, a research based formative assessment with a
17 summative component that is tied to performance indicators in English language
18 arts/reading and mathematics in grades one and two, subject to available appropriations.
19 Such research based assessment shall be selected; after consultation with local school
20 systems. Such research based assessment shall provide for real-time data analysis for
21 students, teachers, school leaders, and parents; allow flexible grouping of students based
22 on skill level; and measure student progress toward ~~grade-level~~ grade-level expectations
23 throughout the school year. Each local school system may elect to administer, with state
24 funding, nationally ~~norm-referenced~~ norm referenced instruments in reading, mathematics,
25 science, or social studies in grade three, four, or five and in grade six, seven, or eight,
26

27 subject to available appropriations, with assistance to such local school systems by the
28 State Board of Education with regard to administration guidance, scoring, and reporting of
29 such instruments. Further, the State Board of Education shall adopt a school readiness
30 assessment for students entering first grade and shall administer such assessment pursuant
31 to paragraph (2) of subsection (b) of Code Section 20-2-151. Each local school system is
32 strongly encouraged to develop and implement a program of multiple formative
33 assessments in reading and mathematics for kindergarten through fifth grade to ensure that
34 students entering sixth grade are on track to meet grade-level expectations, including
35 mastery in reading by the end of third grade to prepare for the infusion of literacy in
36 subsequent grades and mastery in basic mathematics skills by the end of fifth grade and in
37 accordance with the local school system's five-year strategic plan, performance indicators,
38 and, if applicable, flexibility contract or other agreement with the State Board of Education
39 for local school systems that are not under a flexibility contract. The State Board of
40 Education shall periodically review, revise, and upgrade the content standards. Following
41 the adoption of such content standards, the State Board of Education shall contract for
42 development of end-of-grade assessments to measure the content standards. As part of the
43 comprehensive summative assessment program, end-of-grade assessments in English
44 language arts/reading and mathematics shall be administered annually to students in grades
45 three through eight, and such tests in science and social studies shall be administered
46 annually to students in grades five and eight; provided, however, that each local school
47 system participating in the innovative assessment pilot program established pursuant to
48 Code Section 20-2-286 shall be required to administer only such end-of-grade assessments
49 as specified in the local school system's flexibility contract, as amended for participation
50 in the innovative assessment pilot program. These tests shall contain features that allow
51 for comparability to other states with ~~whom~~ which establishing such comparison would be
52 statistically sound; provided, however, that no such comparison shall be conducted which
53 would relinquish any measure of control over assessments to any individual or entity
54 outside the state. Further, as part of the comprehensive summative assessment program,
55 the State Board of Education shall adopt and administer, through the Department of
56 Education, end-of-course assessments for students in grades nine through 12 for all core
57 subjects, as determined by the state board; provided, however, that each local school
58 system participating in the innovative assessment pilot program established pursuant to
59 Code Section 20-2-286 shall be required to administer only such end-of-course assessments
60 as specified in the local school system's flexibility contract, as amended for participation
61 in the innovative assessment pilot program. Writing performance shall be assessed, at a
62 minimum, for students in grades three, five, eight, and 11 and may be assessed for students
63 in additional grade levels as designated by the State Board of Education. Such required

64 writing performance assessment may be embedded within the assessments included in the
 65 comprehensive summative assessment program. Writing performance results shall be
 66 provided to students and their parents. If authorized to establish and operate an innovative
 67 assessment system pursuant to 34 C.F.R. Section 200.104, the Department of Education
 68 may establish a pilot program for local school systems that have an existing program of
 69 multiple formative assessments during the course of the academic year that result in a
 70 single summative score that is valid and reliable in measuring individual student
 71 achievement or growth and assessing individual student needs or deficiencies, to utilize
 72 such local assessments in place of end-of-grade or end-of-course assessments, if provided
 73 for in the terms of the local school system's flexibility contract. As used in this subsection,
 74 the term 'flexibility contract' means a charter for a charter system or a charter school or a
 75 contract entered into with the State Board of Education for a strategic waivers school
 76 system."

77 SECTION 2.

78 Said title is further amended in Part 12 of Article 6 of Chapter 2, relating to effectiveness of
 79 educational programs in elementary and secondary education, by adding a new Code section
 80 to read as follows:

81 "20-2-286.

82 (a) Beginning with the 2018-2019 school year, the State Board of Education shall establish
 83 an innovative assessment pilot program to examine one or more alternate assessment and
 84 accountability systems aligned with state academic content standards. The pilot program
 85 shall span from three to five years in duration, as determined by the state board and may
 86 include up to ten local school system participants. A consortium of local school systems
 87 implementing the same innovative alternate assessment may participate in the pilot
 88 program and shall be counted as one of the ten pilot program participants. The
 89 participating local school systems shall be selected by the state board in a competitive
 90 process and based on criteria established by the state board, including current compliance
 91 with the terms of their charter system contract or strategic waivers school system contract.
 92 (b) The local school systems participating in the pilot program shall be authorized to
 93 design and implement an innovative alternate assessment and accountability program
 94 which may include, but shall not be limited to, cumulative year-end assessments,
 95 competency based assessments, instructionally embedded assessments, interim
 96 assessments, performance based assessments, or other innovated assessment designs
 97 approved by the State Board of Education. In order to allow the time and resources for the
 98 participating local school systems to implement an innovative alternate assessment and
 99 accountability program, the state board shall be authorized to reduce the state-wide testing

100 requirements for such local school systems for the duration of the pilot program for
101 end-of-grade and end-of-course assessments as contained in Code Section 20-2-281.

102 (c) Notwithstanding Code Sections 20-2-82, 20-2-244, and 20-2-2065, the State Board of
103 Education shall be authorized to waive, for the duration of the pilot program, all or a
104 portion of the requirements of Part 3 of Article 2 of Chapter 14 of this title for local school
105 systems participating in the pilot program, but may replace any such accountability
106 requirements with alternate requirements as specified in the local school system's charter
107 system contract or strategic waivers school system contract.

108 (d) Each local school system participating in the pilot program shall amend its charter
109 system contract or strategic waivers school system contract to reflect the innovative
110 alternate assessment and accountability system that will be utilized during the term of the
111 pilot program. Any local school system in the pilot program that is not complying with the
112 terms of its charter system contract or strategic waivers school system contract may be
113 removed from the pilot program at the sole discretion of the state board and shall be subject
114 to the state-wide assessment requirements contained in Code Section 20-2-281 and the
115 accountability system provided for in Part 3 of Article 2 of Chapter 14 of this title.

116 (e) The State Board of Education shall take all reasonable steps to obtain any necessary
117 waivers or approvals and maximum flexibility from the U.S. Department of Education to
118 facilitate the implementation of the innovative assessment pilot program within the
119 confines of federal law, including any appropriate changes to the state-wide accountability
120 system established in the state plan for Georgia pursuant to the federal Every Student
121 Succeeds Act that are necessary for the local school systems participating in the pilot
122 program.

123 (f)(1) The State Board of Education may contract with an external, independent third
124 party with expertise in innovative and flexible approaches to assessment systems to assist
125 in the development and implementation of one or more innovative alternate assessment
126 and accountability systems. Such independent third party shall have access to and
127 expertise from external technical experts, including technical experts in states that have
128 pursued innovative and flexible approaches, in state assessment and accountability
129 systems as well as knowledge and experience in the federal Every Student Succeeds Act
130 and its implementing regulations.

131 (2) The State Board of Education shall consult with and provide coordination with the
132 Office of Student Achievement in the development and implementation of the pilot
133 program established pursuant to this Code section.

134 (3) The State Board of Education and the Department of Education shall contract with
135 an external, independent third party to evaluate comparability between the innovative
136 assessments, including norm referenced assessments, and the state-wide assessments,

137 including for subgroups of students, and shall identify strategies that may be used to scale
 138 the innovative assessment to all local school systems state-wide. The State Board of
 139 Education shall determine initial performance based baselines and accountability
 140 requirements for local school systems participating in the pilot program.

141 (4) Local school systems participating in the pilot program shall be encouraged to
 142 collaborate amongst each other during the course of the pilot program.

143 (g) No later than December 31, 2019, and annually thereafter for the duration of the pilot
 144 program, the Department of Education shall submit a detailed written report, approved by
 145 the State Board of Education, on the implementation and effectiveness of the innovative
 146 assessment pilot program to the Governor, the Speaker of the House of Representatives,
 147 and the President of the Senate. The final report shall also include recommendations as to
 148 expansion of the pilot program state-wide and estimated costs of implementation."

149 **SECTION 3.**

150 Said title is further amended by revising Code Section 20-14-31, relating to establishing
 151 standard for satisfactory performance under the education accountability assessment, as
 152 follows:

153 "20-14-31.

154 Except as otherwise provided in this article, the office shall establish the levels of
 155 performance on each assessment instrument administered under Code Section 20-2-281 by
 156 establishing the standard that should be achieved by students in each subject area at each
 157 grade level. Data and information regarding the establishment of the standard shall be
 158 included in the annual report provided for in paragraph (2) of subsection (a) of Code
 159 Section 20-14-27; provided, however, that local school systems participating in the
 160 innovative assessment pilot program established pursuant to Code Section 20-2-286 shall
 161 only be measured on the reduced specific end-of-grade and end-of-course assessments as
 162 specified in the local school system's flexibility contract, as amended for participation in
 163 the innovative assessment pilot program."

164 **SECTION 4.**

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