

Senate Bill 362

By: Senators Tippins of the 37th, Wilkinson of the 50th, Sims of the 12th, Millar of the 40th, Stone of the 23rd and others

**AS PASSED**

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:

8 **SECTION 1.**

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

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

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.