

The House Committee on Education offers the following substitute to HB 502:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 2 elementary and secondary education, so as to update and clarify provisions in law and to
 3 repeal obsolete provisions; to repeal a population act provision; to revise provisions relating
 4 to flexibility for school systems; to provide that annual performance evaluations cannot be
 5 waived; to revise provisions relating to state required content standards; to remove the
 6 middle grades program; to revise provisions relating to contracts by the State School
 7 Superintendent; to revise a process for student requests for waivers and variances of state
 8 requirements; to revise definitions relating to capitol outlay funds; to revise provisions
 9 relating to state required assessments; to revise provisions relating to the honors program;
 10 to revise a provision relating to a report on gender discrimination; to revise provisions
 11 relating to courses taken through the Georgia Virtual School; to revise provisions relating to
 12 virtual instruction opportunities provided by local school systems; to repeal an obsolete
 13 provision relating to acquiring digital learning; to revise a provision relating to home study
 14 reporting; to revise provisions relating to health insurance for public school teachers and
 15 employees; to revise provisions relating to nonrenewal of a teacher's contract; to revise
 16 provisions relating to appeals to the State Board of Education; to revise provisions relating
 17 to state charter schools; to repeal an Act to provide in all counties of 500,000 or more
 18 population according to the United States Census of 1960 or any future United States Census
 19 that the pension board of the board of education in such counties shall recompute the pension
 20 paid to those teachers and employees who had retired as a matter of right prior to April 1,
 21 1955, and who had been awarded a basic pension for 20 years of service, approved March
 22 21, 1963 (Ga. L. 1963, p. 2469); to provide for related matters; to repeal conflicting laws;
 23 and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

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

31 **SECTION 1A.**

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

34 "(b) A local school system may elect not to request increased flexibility in exchange for
 35 increased accountability and defined consequences and ~~opt elect~~ to remain under all current
 36 laws, rules, regulations, policies, and procedures, and such local school system shall:

37 (1) Conduct a public hearing for the purpose of providing public notice that such local
 38 school system is ~~opting for the status quo~~ electing not to request increased flexibility
 39 pursuant to this article. The public hearing shall be advertised in a local newspaper of
 40 general circulation which shall be the same newspaper in which other legal
 41 announcements of the local board of education are advertised; and

42 (2) Sign a statement on a form provided by the state board that such local school system
 43 is ~~opting for the status quo~~ electing not to request increased flexibility pursuant to this
 44 article."

45 **SECTION 1B.**

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

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

51 **SECTION 2.**

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

54 "(e) The state board shall be authorized to approve a waiver or variance request of
 55 specifically identified state rules, regulations, policies, and procedures or provisions of this
 56 chapter upon the inclusion of such request in the local school system's proposed contract
 57 and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver
 58 and variance shall be improvement of student performance. The state board shall not be

59 authorized to waive or approve variances on any federal, state, and local rules, regulations,
 60 court orders, and statutes relating to civil rights; insurance; the protection of the physical
 61 health and safety of school students, employees, and visitors; conflicting interest
 62 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in
 63 or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or
 64 Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of
 65 Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327.
 66 A local school system that has received a waiver or variance shall remain subject to the
 67 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not
 68 charge tuition or fees to its students except as may be authorized for local boards by Code
 69 Section 20-2-133, and shall remain open to enrollment in the same manner as before the
 70 waiver request."

71 **SECTION 2A.**

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

74 "20-2-84.3.

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

77 ~~(b)~~ No later than June 30, 2015, each local school system shall either notify the department
 78 of its intention to request increased flexibility become a strategic school system pursuant
 79 to this article or shall comply with subsection (b) of Code Section 20-2-80, electing not to
 80 request increased flexibility pursuant to this article."

81 **SECTION 3.**

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

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

91 **SECTION 4.**

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

95 "20-2-140.

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

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

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

120 **SECTION 5.**

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

123 "20-2-140.1.

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

127 be met through an online course offered by the Georgia Virtual School established pursuant
 128 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code
 129 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary
 130 institution, or through a provider ~~approved~~ pursuant to ~~subsection (c)~~ of Code Section
 131 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction
 132 program pursuant to Code Section 20-2-319.4."

133 SECTION 6.

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

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

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

141 (B) A course of study in the history of the United States and in the history of Georgia
 142 and in the essentials of the United States and Georgia Constitutions, including the study
 143 of American institutions and ideals which shall include a study of the Pledge of
 144 Allegiance to the flag of the United States and the Georgia flag in addition to other
 145 institutions and ideals.

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

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

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

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

166

SECTION 7.

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

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

173 "(2) It is the policy of this state that the purpose of the primary grades program shall be
 174 mastery by enrolled students of the essential basic skills and knowledge which will
 175 enable them to achieve more advanced skills and knowledge offered at the higher grade
 176 levels. For purposes of funding under this article, the primary grades program shall
 177 include grades one, two, and three. To be eligible for enrollment in the first grade of a
 178 state supported primary grades program, a child must attain the age of six by September
 179 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
 180 Board of Education shall adopt an instrument or instruments, procedures, and policies
 181 necessary to assess the first grade readiness of children enrolled in Georgia's public
 182 school kindergarten programs pursuant to Code Section 20-2-281. Readiness information
 183 obtained by the instrument or instruments adopted by the state board shall be used by
 184 local school systems in concert with teacher recommendations and other relevant
 185 information to make appropriate student grade placement decisions. The Department of
 186 Education shall develop guidelines for utilization of the instrument or instruments in
 187 grade placement decisions and shall provide such guidelines to local school systems. The
 188 guidelines shall include information pertinent to consideration of the placement of
 189 students who have been identified as being disabled or limited-English-proficient.
 190 Whenever the decision is made not to promote a child to the first grade, the local school
 191 system shall document the reasons for the decision not to promote, according to
 192 guidelines established by the board. The State School Superintendent ~~shall~~ may annually
 193 provide a report summarizing the results of the readiness of first grade Georgia public
 194 school kindergarten children. No student shall remain in kindergarten for more than two
 195 years;"

196

SECTION 8.

197 Said chapter is further amended by revising subsections (a) and (h) of Code Section
198 20-2-154.1, relating to alternative education programs, as follows:

199 "(a) It is the policy of this state that the alternative education program shall provide a
200 learning environment that includes the objectives of the ~~quality core curriculum content~~
201 standards and that the instruction in an alternative education program shall enable students
202 to return to a general or career education program as quickly as possible. Course credit
203 shall be earned in an alternative education program in the same manner as in other
204 education programs. It is the policy of this state that it is preferable to reassign disruptive
205 students to an alternative education program rather than suspending or expelling such
206 students from school."

207 "~~(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education~~
208 ~~programs shall be based upon a full-time equivalent program count that equals 2.5 percent~~
209 ~~of the sum of the full-time equivalent program count of the middle grades program, the~~
210 ~~middle school program as defined in Code Section 20-2-290, the high school general~~
211 ~~education program (grades nine through 12), and the career, technical, and agricultural~~
212 ~~education laboratory program (grades nine through 12). For the 2002-2003 school year and~~
213 ~~thereafter, the~~ The amount of state funds appropriated and allocated for the alternative
214 education program provided for in this Code section shall be based on the actual count of
215 students served during the preceding year, except that the count of students served shall not
216 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~
217 ~~grades program, the middle school program as defined in Code Section 20-2-290, the high~~
218 school general education program (grades nine through 12), and the career, technical, and
219 agricultural education laboratory program (grades nine through 12). Funds earned may be
220 expended in kindergarten and in grades one through 12."

221

SECTION 9.

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

224 "20-2-159.1.

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

- 229 (1) Agriculture, food, and natural resources;
230 (2) Architecture and construction;
231 (3) Arts, audio-video technology, and communications;

- 232 (4) Business, management, and administration;
 233 (5) Education and training;
 234 (6) Finance;
 235 (7) Health science;
 236 (8) Hospitality and tourism;
 237 (9) Human services;
 238 (10) Information technology;
 239 (11) Law, public safety, and security;
 240 (12) Manufacturing;
 241 (13) Government and public administration;
 242 (14) Marketing, sales, and service;
 243 (15) Science, technology, engineering, and mathematics; and
 244 (16) Transportation, distribution, and logistics.
 245 Such focused programs of study may be combined around these and other related clusters."

246 **SECTION 10.**

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

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

- 255 (A) Establish the benchmarks for college readiness and the method in which students
 256 can demonstrate readiness in reading, writing, and mathematics for postsecondary
 257 coursework upon completing the ~~core curriculum~~ content standards; and
 258 (B) Set the conditions for ensuring college readiness;"

259 **SECTION 11.**

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

263 "(a) The ~~competencies and curricula~~ content standards established for career, technical, and
 264 agricultural education courses pursuant to Code Section 20-2-140 shall include embedded
 265 standards in academic core subject areas, as appropriate. In establishing such ~~competencies~~
 266 ~~and curricula~~ content standards, the state board shall work to ensure that the coursework

267 meets postsecondary requirements for acceptance of credit for such coursework at the
 268 postsecondary level. Such courses shall be taught by a highly qualified teacher in the
 269 academic content and trained or experienced in contextualized learning using project based
 270 methods; by a highly qualified career, technical, and agricultural education teacher who has
 271 completed a state-approved training program to strengthen academic content and has
 272 passed a state-approved exam for demonstrating mastery of academic content; or by a team
 273 made up of a highly qualified teacher in the academic content and a highly qualified career,
 274 technical, and agricultural education teacher working together to teach the course."

275 **SECTION 12.**

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

278 "(a) The State Board of Education shall designate the specific dates upon which two counts
 279 of students enrolled in each instructional program authorized under this article shall be
 280 made each school year and by which the counts shall be reported to the Department of
 281 Education. The initial enrollment count shall be made after October 1 but prior to
 282 November 17 and the final enrollment count after March 1 but prior to May 1. The report
 283 shall indicate the student's specific assigned program for each one-sixth segment of the
 284 school day on the designated reporting date. No program shall be indicated for a student
 285 for any one-sixth segment of the school day that the student is assigned to a study hall; a
 286 noncredit course; a course recognized under this article or by state board policy as an
 287 enrichment course, except a driver education course; a course which requires participation
 288 in an extracurricular activity for which enrollment is on a competitive basis; a course in
 289 which the student serves as a student assistant to a teacher, in a school office, or in the
 290 media center, except when such placement is an approved work site of a recognized career,
 291 technical, and agricultural education laboratory program; an individual study course for
 292 which no outline of course objectives is prepared in writing prior to the beginning of the
 293 course; or any other course or activity so designated by the state board. For the purpose
 294 of this Code section, the term 'enrichment course' means a course which does not dedicate
 295 a major portion of the class time toward the development and enhancement of one or more
 296 ~~student competencies~~ content standards as adopted by the state board under Code Section
 297 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the
 298 school day for which the student is not enrolled in an instructional program or has not
 299 attended a class or classes within the preceding ten days; nor shall a program be indicated
 300 for a student for any one-sixth segment of the school day for which the student is charged
 301 tuition or fees or is required to provide materials or equipment beyond those authorized
 302 pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course

303 pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other
 304 appropriate program for each segment in which the student is attending such dual credit
 305 course. The state board shall adopt such regulations and criteria as necessary to ensure
 306 objective and true counts of students in state approved instructional programs. The state
 307 board shall also establish criteria by which students shall be counted as resident or
 308 nonresident students, including specific circumstances which may include, but not be
 309 limited to, students attending another local school system under court order or under the
 310 terms of a contract between two local school systems. If a local school system has a
 311 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 312 program counts from the designated date to a requested alternate date."

313 **SECTION 13.**

314 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section
 315 20-2-161, relating to the Quality Basic Education Formula, as follows:

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

- | | | |
|-----|---|------------|
| 320 | (1) Kindergarten program | 1.6508 |
| 321 | | weight and |
| 322 | | 1 to 15 |
| 323 | | ratio |
| 324 | (2) Kindergarten early intervention program | 2.0348 |
| 325 | | weight and |
| 326 | | 1 to 11 |
| 327 | | ratio |
| 328 | (3) Primary grades program (1-3) | 1.2849 |
| 329 | | weight and |
| 330 | | 1 to 17 |
| 331 | | ratio |

332	(4) Primary grades early intervention program (1-3)	1.7931
333		weight and
334		1 to 11
335		ratio
336	(5) Upper elementary grades program (4-5)	1.0355
337		weight and
338		1 to 23
339		ratio
340	(6) Upper elementary grades early intervention program (4-5)	1.7867
341		weight and
342		1 to 11
343		ratio
344	(7) Middle grades program (6-8)	1.0186
345		weight and
346		1 to 23
347		ratio
348	(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
349		weight and
350		1 to 20
351		ratio
352	(9)(8) High school general education program (9-12)	1.0000
353		weight and
354		1 to 23
355		ratio
356	(10)(9) Career, technical, and agricultural education	1.1916
357	laboratory program (9-12)	weight and
358		1 to 20
359		ratio

360	(11) <u>(10)</u> Program for persons with disabilities:	
361	Category I	2.3798
362		weight and
363		1 to 8
364		ratio
365	(12) <u>(11)</u> Program for persons with disabilities:	
366	Category II	2.7883
367		weight and
368		1 to 6.5
369		ratio
370	(13) <u>(12)</u> Program for persons with disabilities:	
371	Category III	3.5493
372		weight and
373		1 to 5
374		ratio
375	(14) <u>(13)</u> Program for persons with disabilities:	
376	Category IV	5.7509
377		weight and
378		1 to 3
379		ratio
380	(15) <u>(14)</u> Program for persons with disabilities:	
381	Category V	2.4511
382		weight and
383		1 to 8
384		ratio
385	(16) <u>(15)</u> Program for intellectually gifted students:	
386	Category VI	1.6589
387		weight and
388		1 to 12
389		ratio

422 reflect a base school size of 970 full-time equivalent students. The calculation of program
423 weights for the alternative education program shall reflect a base school size of 100
424 full-time equivalent students, except that the calculations for secretaries and media
425 personnel shall reflect a base school size of 624 full-time equivalent students."

426 **SECTION 15.**

427 Said chapter is further amended by revising subsections (b) and (c) and paragraph (1) of
428 subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for
429 payment of salaries and benefits, as follows:

430 "(b) The program weights for the primary, primary grades early intervention, upper
431 elementary, upper elementary grades early intervention, ~~middle grades~~, and middle school
432 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least
433 the beginning salaries of specialists qualified to teach art, music, foreign language, and
434 physical education, subject to appropriation by the General Assembly.

435 (c) The program weights for the kindergarten, kindergarten early intervention, primary,
436 primary grades early intervention, upper elementary, upper elementary grades early
437 intervention, ~~middle grades~~, middle school, and alternative education programs and the
438 program weights for the high school programs authorized pursuant to paragraph (4) of
439 subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect
440 sufficient funds to pay the beginning salaries for at least one school counselor for every
441 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program
442 weights for the English for speakers of other languages program and the programs for
443 persons with disabilities shall also earn school counselor funding. Further, beginning in
444 Fiscal Year 2016 and thereafter, the program weights for the program for intellectually
445 gifted students and the remedial education program shall also earn school counselor
446 funding. The duties and responsibilities for such school counselors shall be established by
447 the state board to require a minimum of five of the six full-time equivalent program count
448 segments of the counselor's time to be spent counseling or advising students or parents."

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

- 454 (A) Kindergarten program (without full-time aide) 18
- 455 (B) Kindergarten program (with full-time aide) 20
- 456 (C) Primary grades program (1-3) 21

457 (D) Upper elementary grades program (4-5) 28
 458 (E) Middle grades program (6-8) and middle school program (6-8) as
 459 defined in Code Section 20-2-290 28

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

468 **SECTION 16.**

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

471 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,
 472 primary grades early intervention, upper elementary, upper elementary grades early
 473 intervention, ~~middle grades~~, middle school, and remedial programs and the program
 474 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 475 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 476 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 477 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 478 funds shall be used for addressing the academic needs of low-performing students with
 479 programs including, but not limited to, instructional opportunities for students beyond the
 480 regular school day, Saturday classes, intersession classes, summer school classes, and
 481 additional instructional programs during the regular school day. Following the midterm
 482 adjustment, the state board shall issue allotment sheets for each local school system. Each
 483 local school system shall spend 100 percent of the funds designated for additional days of
 484 instruction for such costs at the system level, which may include transportation costs
 485 incurred for transporting students who are attending additional classes funded by these
 486 designated funds."

487 **SECTION 17.**

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

490 "(a) Subject to appropriations by the General Assembly, the State Board of Education shall
 491 provide professional development centered on state-wide strategic initiatives. Such

492 strategic initiatives may include, but are not limited to, training on ~~the new common core~~
 493 ~~curriculum content standards~~, support for under-performing educators, and mentoring
 494 programs in specific subject areas."

495 **SECTION 18.**

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

499 "(a) The Professional Standards Commission shall provide, by regulation, for certifying
 500 and classifying all certificated professional personnel employed in the public schools of
 501 this state, including personnel who provide virtual instruction to public schools of this state,
 502 whether such personnel are located within or outside of this state or whether such personnel
 503 are employed by a local unit of administration. No such personnel shall be employed in
 504 the public schools of this state unless they hold certificates issued by the commission
 505 certifying their qualifications and classification in accordance with such regulations. The
 506 commission shall establish such number of classifications of other certificated professional
 507 personnel as it may find reasonably necessary or desirable for the operation of the public
 508 schools; provided, however, that such classifications shall be based only upon academic,
 509 technical, and professional training, experience, and competency of such personnel. The
 510 commission is authorized to provide for denying a certificate to an applicant, suspending
 511 or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause
 512 after an investigation is held and notice and an opportunity for a hearing are provided the
 513 certificate holder or applicant in accordance with subsection (d) of Code Section
 514 20-2-984.5. The commission shall designate and define the various classifications of
 515 professional personnel employed in the public schools of this state that shall be required
 516 to be certificated under this Code section or under Code Section 20-2-206. Without
 517 limiting the generality of the foregoing, the term 'certificated professional personnel' is
 518 defined as all professional personnel certificated by the commission and county or regional
 519 librarians."

520 **SECTION 19.**

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

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

527 **SECTION 20.**

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

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

533 **SECTION 21.**

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

536 "(b) The State Board of Education is not authorized to waive any federal, state, and local
 537 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection
 538 of the physical health and safety of school students, employees, and visitors; conflicting
 539 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful
 540 conduct in or near a public school; any reporting requirements pursuant to Code Section
 541 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the
 542 requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code
 543 Section 20-2-327. A school or school system that has received a waiver shall remain
 544 subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement
 545 that it shall not charge tuition or fees to its students except as may be authorized for local
 546 boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner
 547 as before the waiver request."

548 **SECTION 22.**

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

550 "20-2-244.1.

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

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

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

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

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

560 (b) Except as provided in subsection (f) of this Code section, the State Board of Education
 561 is authorized to grant a variance or waiver to a rule when a student subject to that rule

562 demonstrates that the purpose of the underlying statute upon which the rule is based can
563 be or has been achieved by other specific means which are agreeable to the person seeking
564 the variance or waiver and that strict application of the rule would create a substantial
565 hardship to such person.

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

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

571 (2) The type of action requested;

572 (3) The specific facts of substantial hardship which would justify a variance or waiver
573 for the petitioner, including the alternative standards which the person seeking the
574 variance or waiver agrees to meet and a showing that such alternative standards will
575 afford adequate protection for the public health, safety, and welfare; and

576 (4) The reason why the variance or waiver requested would serve the purpose of the
577 underlying statute.

578 (d) The state board shall grant or deny a petition for variance or waiver in writing no later
579 than 60 days after the receipt of the petition. The state board's decision to grant or deny the
580 petition shall be in writing and shall contain a statement of the relevant facts and the
581 reasons supporting the state board's action.

582 (e) The state board's decision to deny a petition for variance or waiver shall be subject to
583 judicial review in accordance with Code Section 50-13-19. The validity of any variance
584 or waiver which is granted by the state board may be determined in an action for
585 declaratory judgment in accordance with Code Section 50-13-10.

586 (f) This Code section shall not apply, and no variance or waiver shall be sought or
587 authorized, when a state board rule or regulation has been adopted or promulgated in order
588 to implement or promote a federally delegated program.

589 (g) An aggregated report of all waivers granted pursuant to this Code section shall be
590 prepared and shall contain a description of the waiver granted, including a detail of the
591 variance from any rule or regulation, but shall not include any identifying information of
592 the student.

593 (h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with
594 respect to petitions for variances or waivers of rules by students."

595 **SECTION 23.**

596 Said chapter is further amended in subsection (b) of Code Section 20-2-260, relating to
 597 capital outlay funds generally, by revising paragraph (3) and by adding a new paragraph as
 598 follows:

599 "(3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result
 600 in the acquisition of fixed assets, existing buildings, improvements to sites, construction
 601 of buildings, construction of additions to buildings, retrofitting of existing buildings for
 602 energy conservation, and initial and additional equipment and furnishings for educational
 603 facilities. This term also includes expenditures for computer equipment and operating
 604 system software for the school that is integral to the implementation of the school's
 605 curriculum, instruction, or administration."

606 "(9.1) 'Local school system' means any entity defined as a local educational agency by
 607 the Department of Education."

608 **SECTION 24.**

609 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
 610 20-2-270.1, relating to services to member local school systems by regional educational
 611 service agencies, as follows:

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

615 **SECTION 25.**

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

618 "20-2-281.

619 (a) The State Board of Education shall adopt a student assessment program consisting of
 620 instruments, procedures, and policies necessary to implement the program and shall fund
 621 all costs of providing and scoring such instruments, subject to appropriation by the General
 622 Assembly. Each local school system may elect to administer, with state funding, nationally
 623 norm-referenced instruments in reading, mathematics, science, or social studies in grade
 624 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
 625 with assistance to such school systems by the State Board of Education with regard to
 626 administration guidance, scoring, and reporting of such ~~assessments~~ instruments. The State
 627 Board of Education shall review, revise, and upgrade the ~~quality core curriculum~~ content
 628 standards. Following the adoption of ~~this revised curriculum~~ such content standards, the
 629 State Board of Education shall contract for development of ~~criterion-referenced~~

630 ~~competency tests~~ end-of-grade assessments to measure the ~~quality core curriculum content~~
 631 standards. Such tests in English, ~~and language arts/reading, and;~~ mathematics, ~~and reading~~
 632 shall be administered annually to students in grades three through eight, and such tests in
 633 science and social studies shall be administered annually to students in grades three through
 634 eight. These tests shall contain features that allow for comparability to other states with
 635 whom establishing such comparison would be statistically sound; provided, however, that
 636 no such comparison shall be conducted which would relinquish any measure of control
 637 over assessments to any individual or entity outside the state. This action shall be
 638 completed according to a schedule established by the State Board of Education. ~~A~~
 639 ~~curriculum based assessment shall be administered in grade 11 for graduation purposes.~~
 640 Writing assessments performance shall be administered to assessed, at a minimum, for
 641 students in grades three, five, eight, and 11 and may be assessed for students in additional
 642 grade levels as designated by the State Board of Education. ~~The writing assessments~~
 643 Writing performance results shall provide be provided to students and their parents ~~with~~
 644 ~~performance outcome measures resulting from the administration of such tests.~~

645 (b) The nationally ~~normed assessments~~ norm-referenced instruments provided for in
 646 subsection (a) of this Code section shall provide students and their parents with grade
 647 equivalencies and percentile ranks which result from the administration of such tests
 648 instruments. ~~Criterion-referenced tests and the high school graduation test~~ End-of-grade
 649 assessments provided for in subsection (a) of this Code section shall provide for results that
 650 reflect student achievement at the individual student, classroom, school, system, ~~and state,~~
 651 and national levels. The State Board of Education shall participate in the National
 652 Assessment of Educational Progress (NAEP) and may participate in any other tests that
 653 will allow benchmarking this state's performance against national or international
 654 performance. The results of such testing shall be provided to the Governor, the General
 655 Assembly, and the State Board of Education and shall be reported to the citizens of
 656 Georgia. Further, the state board shall adopt a school readiness assessment for students
 657 entering first grade and shall administer such assessment pursuant to paragraph (2) of
 658 subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary
 659 supplements as part of a pay for performance or related plan under this article may be
 660 assessments of student achievement.

661 (b.1) The State Board of Education shall notify local school systems and individual
 662 schools of the results of the assessment instruments administered under this Code section
 663 at the earliest possible date determined by the state board, but not later than the beginning
 664 of the subsequent school year. In the event the state board is unable to provide timely
 665 results in the first year of implementation of a substantially new assessment instrument, the

666 provisions in paragraphs (2) and (3) of subsection (b) of Code Section 20-2-283 shall not
 667 apply.

668 (c) The State Board of Education shall have the authority to condition the awarding of a
 669 high school diploma to a student upon achievement of satisfactory scores on instruments
 670 ~~or tests~~ adopted and administered by the state board pursuant to subsection (a) of this Code
 671 section and the end-of-course assessments adopted and administered by the state board
 672 pursuant to subsections (f) and (h) of this Code section. The state board is authorized and
 673 directed to adopt regulations providing that any disabled child, as defined by the provisions
 674 of this article, shall be afforded opportunities to take any test adopted by the state board as
 675 a condition for the awarding of a high school diploma. ~~Said~~ Such regulations shall further
 676 provide for appropriate accommodations in the administration of such test. ~~Said~~ Such
 677 regulations shall further provide for the awarding of a special education diploma to any
 678 disabled student who is lawfully assigned to a special education program and who does not
 679 achieve a passing score on ~~said~~ such test or who has not completed all of the requirements
 680 for a high school diploma but who has nevertheless completed his or her Individualized
 681 Education Program.

682 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 683 administered to ~~each student receiving special education services pursuant to Code~~
 684 ~~Section 20-2-152 who does not receive instruction in the essential knowledge and skills~~
 685 ~~identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~
 686 those students with significant cognitive disabilities, receiving special education services
 687 pursuant to Code Section 20-2-152, who cannot access the state adopted content
 688 standards without appropriate accommodations to those standards and for whom the
 689 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code
 690 section, even with allowable ~~modifications~~ accommodations, would not provide an
 691 appropriate measure of student achievement, as determined by the student's
 692 Individualized Education Program team. ~~A student's Individualized Education Program~~
 693 ~~may serve as an alternate assessment for that student.~~

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

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

701 (f) The State Board of Education shall adopt end-of-course assessments for students in
 702 grades nine through 12 for all core subjects to be determined by the state board. For those

703 students with an Individualized Education Program, the student's Individualized Education
 704 Program team shall determine appropriate participation in assessments and identify
 705 necessary accommodations in accordance with the federal Individuals with Disabilities
 706 Education Act and state board regulations.

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

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

720 (i) The Department of Education shall develop study guides for the ~~criteria-referenced~~
 721 ~~tests~~ end-of-grade assessments and end-of-course assessments administered pursuant to
 722 subsections (a) and ~~(f)~~ (h) of this Code section. Each school system shall distribute the
 723 study guides to students who do not perform satisfactorily on one or more parts of an
 724 assessment instrument administered under this Code section and to the parents or guardians
 725 of such students.

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

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

733 ~~(k)(1)~~ In addition to the assessment instruments adopted by the State Board of Education
 734 and administered by the Department of Education, a local school system may adopt and
 735 administer criterion-referenced or norm-referenced assessment instruments, or both, at
 736 any grade level. Such locally adopted assessment instruments may not replace the state's
 737 adopted assessment instruments for purposes of state accountability programs, ~~except as~~
 738 ~~otherwise provided in paragraph (2) of this subsection.~~ A local school system shall be
 739 responsible for all costs and expenses incurred for locally adopted assessment

740 instruments. Students with Individualized Education Programs must be included in the
 741 locally adopted assessments or provided an alternate assessment in accordance with the
 742 federal Individuals with Disabilities Education Act.

743 ~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal~~
 744 ~~Year 2003 to local boards of education exempting said boards from the administration~~
 745 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~
 746 ~~grade levels for which the local board of education implements a locally developed~~
 747 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum which~~
 748 ~~increases the expectations for student achievement beyond that of the applicable state~~
 749 ~~criterion-referenced competency test or tests and meets all other requirements of this~~
 750 ~~Code section, including reliability and validity requirements, with the exception of~~
 751 ~~subsection (g) of this Code section. Local boards of education with such waivers shall~~
 752 ~~submit to the State Board of Education school and local school system score reports of~~
 753 ~~the locally developed criterion-referenced competency tests.~~

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

761 (m) The results of individual student performance on academic skills assessment
 762 instruments administered under this Code section shall be confidential and may be released
 763 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
 764 20 U.S.C. Section 1232g.

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

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

773 (p) Teachers in ~~grades one~~ kindergarten through grade 12 shall be offered the opportunity
 774 to participate annually in a staff development program on the use of tests within the
 775 instructional program designed to improve students' academic achievement. This program
 776 shall instruct teachers on curriculum alignment related to tests, disaggregated student test

777 data to identify student academic weaknesses by subtests, and other appropriate
778 applications as determined by the State Board of Education.

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

788

SECTION 26.

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

791 "20-2-290.

792 (a)~~(1)~~ The board of education of any local school system is authorized to organize or
793 reorganize the schools and fix the grade levels to be taught at each school in its
794 jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof,~~
795 ~~shall qualify for the middle school program for students; provided, however, that such~~
796 ~~schools also meet all other provisions of this Code section and criteria and standards~~
797 ~~prescribed by the State Board of Education. Further, two or more adjacent local school~~
798 ~~systems shall qualify for the middle school program if through their contractual~~
799 ~~arrangement they jointly meet the requirements of this Code section and the criteria and~~
800 ~~standards prescribed by the state board.~~

801 ~~(2)~~(b) The board of education of any local school system shall be authorized to employ
802 school administrative managers in lieu of or in addition to assistant principals. Such
803 school administrative managers shall not be required to be certificated by the Professional
804 Standards Commission but shall have such qualifications as determined by the local
805 board with a minimum requirement of a bachelor's degree or satisfactory business
806 experience. The duties of school administrative managers shall be to oversee and manage
807 the financial and business affairs of the school. The principal shall retain authority over
808 the curriculum and instructional areas. The school administrative manager shall report
809 directly to the principal. In the event that a local board considers hiring or utilizing
810 school administrative managers pursuant to this subsection, it shall receive and give all
811 due consideration to recommendations by the school council as to whether or not to
812 utilize such position and as to selection of the manager. Existing employees of the local

813 board shall be eligible to serve as school administrative managers if they meet other
 814 qualifications and requirements established by the local board for such position. For
 815 purposes of earning funds for such positions, school administrative managers shall be
 816 treated in all respects the same as assistant principals.

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

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

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

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

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

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

834 **SECTION 27.**

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

837 "(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to
 838 ~~inaugurate~~ continue and administer an honors program for students in the public and
 839 private high schools of this state and for resident students who attend a home ~~school~~ study
 840 program who have manifested exceptional abilities or unique potentials or who have made
 841 exceptional academic achievements. This program shall be conducted during summer
 842 months between normal school year terms at institutions of higher learning or other
 843 appropriate centers within this state with facilities adequate to provide challenging
 844 opportunities for advanced study and accomplishments by such students. The student
 845 honors program shall be implemented and operated in accordance with criteria established
 846 by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the
 847 ~~state board~~ Office of Student Achievement from funds made available for this purpose by
 848 the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to

849 enter into cooperative agreements with the Board of Regents of the University System of
850 Georgia for operating and sharing the costs of such programs."

851 **SECTION 28.**

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

855 "20-2-314.

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

865 **SECTION 29.**

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

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

871 **SECTION 30.**

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

874 "20-2-319.1.

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

879 The State Board of Education is authorized to promulgate rules and regulations pertaining
880 to the Georgia Virtual School. Such rules and regulations, if established, shall include, at
881 a minimum, a process for students to enroll in Georgia Virtual School courses and a
882 process whereby a student's grade in the course is reported on the student's transcript. All

883 teachers who provide instruction through the Georgia Virtual School shall be certified by
 884 the Professional Standards Commission. A local school system shall not prohibit any
 885 student from taking a course through the Georgia Virtual School, regardless of whether the
 886 school in which the student is enrolled offers the same course.

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

895 (2) The local school system shall pay to the department costs for tuition, materials, and
 896 fees directly related to the approved course taken by a student in its school system
 897 through the Georgia Virtual School; provided, however, that in no event shall the amount
 898 of tuition charged to and paid by the local school system on behalf of such student exceed
 899 \$250.00 per student per semester course; and provided, further, that if a student
 900 participates in courses through the Georgia Virtual School that are in excess of the
 901 maximum number of courses a student may be enrolled in during a school day, such
 902 student shall be subject to the cost of tuition not to exceed \$250.00 per student per
 903 semester course.

904 (3) Students in home study programs and private schools in this state may enroll in
 905 courses through the Georgia Virtual School at no cost, if appropriations are provided for
 906 such purpose in accordance with paragraph (1) of this subsection. If appropriations are
 907 not provided or if appropriations are provided but have been expended for such purpose,
 908 students in home study programs and private schools in this state may enroll in courses
 909 through the Georgia Virtual School based on availability of slots; provided, however, that
 910 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per
 911 semester course.

912 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2
 913 of Chapter 14 of this title."

914 **SECTION 31.**

915 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 916 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
 917 follows:

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

920 **SECTION 32.**

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

924 "20-2-319.4.

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

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

936 A virtual instruction program conducted by a local school system shall include specific
937 ~~provision~~ provisions for at least two full-time options and one part-time option for students
938 enrolled in dropout prevention and academic intervention programs or Department of
939 Juvenile Justice education programs under Code Section 20-2-133.

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

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

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

947 ~~(2)(3)~~ Enter into a contract with ~~an approved a~~ a provider ~~under subsection (c) of this Code~~
948 ~~section~~ for the provision of a full-time program under paragraph (1) of subsection (a) of
949 this Code section or a part-time program under paragraph (2) of subsection (a) of this
950 Code section; or

951 ~~(3)(4)~~ Enter into an agreement with another local school system or systems to allow the
952 participation of its students in an approved virtual instruction program provided by such

953 other local school system or systems. The agreement shall indicate a process for the
954 transfer of funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

985 ~~(d) An approved provider shall retain its approved status for a period of five years after the~~
986 ~~date of the department's approval pursuant to subsection (c) of this Code section as long~~
987 ~~as the provider continues to comply with all requirements of this Code section; provided,~~
988 ~~however, that each provider approved by the department for the 2013-2014 school year~~

989 ~~shall reapply for approval to provide a part-time program for students in grades three~~
 990 ~~through 12.~~
 991 ~~(e)(c)~~ Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code
 992 section with an approved a provider shall at a minimum set forth a detailed curriculum plan
 993 that illustrates how students will be provided services for, and be measured for attainment
 994 of, proficiency in state ~~curriculum~~ requirements for content standards for each grade level
 995 and subject."

996 **SECTION 33.**

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

1000 **SECTION 34.**

1001 Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating
 1002 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's
 1003 Economy Act," as follows:

1004 "(5) 'Focused program of study' means a rigorous academic core combined with a focus
 1005 in mathematics and science; a focus in humanities, fine arts, and foreign language; or a
 1006 coherent sequence of career pathway courses that is aligned with graduation requirements
 1007 established by the State Board of Education and ~~curriculum requirements~~ content
 1008 standards established pursuant to Part 2 of this article that prepares a student for
 1009 postsecondary education or immediate employment after high school graduation."

1010 **SECTION 35.**

1011 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating
 1012 to requirements for high schools that receive a reform grant, as follows:

1013 "(1) Provide focused programs of study which are designed to provide a well-rounded
 1014 education for students by fostering artistic creativity, critical thinking, and self-discipline
 1015 through the teaching of academic content, knowledge, and skills that students will use in
 1016 the workplace, further education, and life. The focused programs of study, whether
 1017 provided at a choice technical high school, a college and career academy, a traditional
 1018 high school, or on site at a technical school or college or a public college or university,
 1019 shall be aligned with graduation requirements established by the State Board of Education
 1020 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this
 1021 article, including, at a minimum, four years of mathematics, Algebra I and higher, and

1022 four years of English, with an emphasis on developing reading and writing skills to meet
1023 college and career readiness standards;"

1024 **SECTION 36.**

1025 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating
1026 to educational entities and requirements for private schools and home study programs, as
1027 follows:

1028 "(c) Parents or guardians may teach their children at home in a home study program which
1029 meets the following requirements:

1030 (1) The parent, parents, or guardian must submit within 30 days after the establishment
1031 of a home study program and by September 1 annually thereafter a declaration of intent
1032 to utilize a home study program to the Department of Education, which shall provide for
1033 written or electronic submittal of such declaration of intent;

1034 (2) The declaration shall include a list of the names and ages of the students who are
1035 enrolled in the home study program, the address where the home study program is
1036 located, the local school system in which the home study program is located, and a
1037 statement of the 12 month period that is to be considered the school year for that home
1038 study program. Enrollment records and reports shall not be used for any purpose except
1039 providing necessary enrollment information, except with the permission of the parent or
1040 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

1041 (3) Parents or guardians may teach only their own children in the home study program,
1042 provided the teaching parent or guardian possesses at least a high school diploma or a
1043 general educational development diploma, but the parents or guardians may employ a
1044 tutor who holds a high school diploma or a general educational development diploma to
1045 teach such children;

1046 (4) The home study program shall provide a basic academic educational program which
1047 includes, but is not limited to, reading, language arts, mathematics, social studies, and
1048 science;

1049 (5) The home study program must provide instruction each 12 months to home study
1050 students equivalent to 180 school days of education with each school day consisting of
1051 at least four and one-half school hours unless the child is physically unable to comply
1052 with the rule provided for in this paragraph;

1053 (6) The parent or guardian shall have the authority to execute any document required by
1054 law, rule, regulation, or policy to evidence the enrollment of a child in a home study
1055 program, the student's full-time or part-time status, the student's grades, or any other
1056 required educational information. This shall include, but not be limited to, documents for
1057 purposes of verification of attendance by the Department of Driver Services, for the

1058 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
 1059 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
 1060 required to apply for the receipt of state or federal public assistance;

1061 (7) Students in home study programs shall be subject to an appropriate nationally
 1062 standardized testing program administered in consultation with a person trained in the
 1063 administration and interpretation of norm reference tests to evaluate their educational
 1064 progress at least every three years beginning at the end of the third grade and records of
 1065 such tests and scores shall be retained but shall not be required to be submitted to public
 1066 educational authorities; and

1067 (8) The home study program instructor shall write an annual progress assessment report
 1068 which shall include the instructor's individualized assessment of the student's academic
 1069 progress in each of the subject areas specified in paragraph (4) of this subsection, and
 1070 such progress reports shall be retained by the parent, parents, or guardian of children in
 1071 the home study program for a period of at least three years."

1072 **SECTION 37.**

1073 Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating
 1074 to contributions by employees, state, and local employers and withholding or deducting
 1075 employees' contributions for health insurance for public school teachers, as follows:

1076 "(b) As the local employer's share, the local employer shall contribute to the health
 1077 insurance fund such portion of the cost of such benefits as may be established by the
 1078 Governor and the board and, in addition thereto, an amount to be established by the board
 1079 to defray the cost of administration. The board shall determine whether such portion shall
 1080 be determined based upon a percentage of the total outlay for the salaries of teachers
 1081 employed by the local employer or determined on an amount per employee electing
 1082 coverage under the plan based on the coverage elected, in accordance with the
 1083 appropriation of funds. If a local employer fails to remit the employer's share as calculated
 1084 by the commissioner, as provided in this Code section, it shall be the duty of the
 1085 commissioner to notify the State Board of Education of such failure and it shall be the duty
 1086 of the State Board of Education to, with reasonable promptness, withhold from the
 1087 employer which has failed to comply ~~all appropriations allotted to such employer until such~~
 1088 ~~employer has fully complied with the provisions of this Code section by making remittance~~
 1089 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully
 1090 satisfy the outstanding obligation of the local employer to the health insurance fund. Such
 1091 withheld funds shall be promptly transmitted by the state board to the Department of
 1092 Community Health."

SECTION 38.

1093
 1094 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating
 1095 to withholding or deducting employees' contributions for health insurance for public school
 1096 employees, as follows:

1097 "(b) The Department of Education and local school systems shall contribute to the health
 1098 insurance fund such portion of the costs of such benefits as may be established by the board
 1099 to maintain the employee contributions consistent with other health insurance plans
 1100 administered by the board. In the event that the commissioner shall determine that a local
 1101 employer has failed to contribute the full amount of such portion, as calculated by the
 1102 commissioner, it shall be the duty of the commissioner to notify the State Board of
 1103 Education of such failure and it shall be the duty of the State Board of Education to, with
 1104 reasonable promptness, withhold from the employer which has failed to comply ~~all~~
 1105 ~~appropriations allotted to such employer until such employer has fully complied with the~~
 1106 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state
 1107 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the
 1108 local employer to the health insurance fund. Such withheld funds shall be promptly
 1109 transmitted by the state board to the Department of Community Health."

SECTION 39.

1110
 1111 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating
 1112 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth
 1113 consecutive school year, as follows:

1114 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school
 1115 year from the same local board of education may be demoted or the teacher's contract
 1116 may not be renewed only for those reasons set forth in subsection (a) of Code Section
 1117 20-2-940.

1118 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year
 1119 contract for the fourth or subsequent consecutive school year from the same local board
 1120 of education, the teacher must be given written notice of the intention to demote or not
 1121 renew the contract of the teacher. Such notice shall be given by certified mail or statutory
 1122 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice
 1123 shall contain a conspicuous statement in substantially the following form:

1124 You have the right to certain procedural safeguards before you can be demoted or
 1125 dismissed. These safeguards include the right to notice of the reasons for the action
 1126 against you and the right to a hearing. If you desire these rights you must send to the
 1127 school superintendent by certified mail or statutory overnight delivery a statement that
 1128 you wish to have a hearing; and such statement must be mailed to the school

1129 superintendent within 20 days after this notice was mailed to you. Your rights are
 1130 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and
 1131 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

1132 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code
 1133 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.

1134 A teacher who is so notified that he or she is to be demoted or that his or her contract will
 1135 not be renewed has the right to the procedures set forth in subsections (b) through (f) of
 1136 Code Section 20-2-940 before the intended action is taken. A teacher who has the right
 1137 to these procedures must serve written notice on the superintendent of the local board
 1138 employing the teacher within 20 days of the day the notice of the intended action is
 1139 served that he or she requests a hearing. In order to be effective, such written notice that
 1140 the teacher requests implementation of such procedures must be served by certified mail
 1141 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.
 1142 Within 14 days of service of the request to implement the procedures, the local board
 1143 must furnish the teacher a notice that complies with the requirements of subsection (b)
 1144 of Code Section 20-2-940.

1145 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,
 1146 while the teacher is serving under the third consecutive school year contract, the local
 1147 board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew
 1148 the teacher's contract for the ensuing school year, and the teacher does not serve notice
 1149 in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school
 1150 year that he or she does not accept the fourth consecutive school year contract.

1151 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection
 1152 who is subsequently employed by another local board of education and who accepts a
 1153 second consecutive school year contract from the local board at which the teacher is
 1154 subsequently employed may be demoted or the teacher's contract may not be renewed
 1155 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The
 1156 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a
 1157 teacher.

1158 (5) A teacher is deemed to have accepted a second consecutive school year contract if,
 1159 while the teacher is serving under the first school year contract, the local board does not
 1160 serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's
 1161 contract for the ensuing school year, and the teacher does not serve notice in writing on
 1162 the local board of education by ~~May 1~~ June 1 of the first school year that he or she does
 1163 not accept the second consecutive school year contract.

1164 (6) Local boards shall make contract offers available to teachers for a minimum ten-day
 1165 review period. A teacher accepts the contract by signing and returning it any time during
 1166 the ten-day period.

1167 (7)(A) Professional certificated personnel employed by a county or independent local
 1168 school system that becomes consolidated with or merged into another county or
 1169 independent local school system as provided in Article 8 of this chapter or otherwise
 1170 shall retain their employment, except as provided in subparagraph (B) of this paragraph,
 1171 in the newly created, or surviving, school system. ~~Said~~ Such professional certificated
 1172 personnel shall retain and carry over all the rights already accrued and earned in the
 1173 professional certificated personnel's prior school system and as set forth in this
 1174 paragraph.

1175 (B) Any reductions in staff due to loss of students or cancellation of programs in the
 1176 newly created, or surviving, school system necessitated by the consolidation or merger
 1177 shall be made first in preference of retaining professional certificated personnel on the
 1178 basis of uniformly applied criteria set forth in local school board policies of the newly
 1179 created, or surviving, school system."

1180 **SECTION 40.**

1181 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,
 1182 relating to local board tribunals to determine school law controversies, appeals, and special
 1183 provisions for disabled children, as follows:

1184 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue
 1185 after a hearing shall have the right to appeal therefrom to the State Board of Education.
 1186 The appeal shall be in writing and shall distinctly set forth the question in dispute, the
 1187 decision of the local board, and a concise statement of the reasons why the decision is
 1188 complained of; and the party taking the appeal shall also file with the appeal a transcript
 1189 of testimony certified as true and correct by the local school superintendent. The appeal
 1190 shall be filed with the superintendent within 30 days of the decision of the local board, and
 1191 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
 1192 appeal together with the transcript of evidence and proceedings, the decision of the local
 1193 board, and other matters in the file relating to the appeal to the state board. The state board
 1194 shall adopt regulations governing the procedure for hearings before the local board and
 1195 proceedings before it. The state board may affirm, reverse, or remand the local board
 1196 decision or may refer the matter to mediation."

SECTION 41.

1197

1198 Said chapter is further amended by revising subsection (b) of Code Section 20-2-2065,
1199 relating to waiver of provisions of Title 20, as follows:

1200 "(b) In determining whether to approve a charter petition or renew an existing charter, the
1201 local board and state board shall ensure that a charter school, or for charter systems, each
1202 school within the system, shall be:

1203 (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based,
1204 provided that a charter school's nonprofit status shall not prevent the school from
1205 contracting for the services of a for profit entity and that nothing in this Code section
1206 shall preclude the use of computer and Internet based instruction for students in a virtual
1207 or remote setting;

1208 (2) Subject to the control and management of the local board of the local school system
1209 in which the charter school is located, as provided in the charter and in a manner
1210 consistent with the Constitution, if a local charter school;

1211 (3) Subject to the supervision of the state board, as provided in the charter and in a
1212 manner consistent with the Constitution, if a state chartered special school;

1213 (4) Organized and operated as a nonprofit corporation under the laws of this state;
1214 provided, however, that this paragraph shall not apply to any charter petitioner that is a
1215 local school, local school system, or state or local public entity;

1216 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
1217 relating to civil rights; insurance; the protection of the physical health and safety of
1218 school students, employees, and visitors; conflicting interest transactions; and the
1219 prevention of unlawful conduct; provided, however, that if:

1220 (A) A facility used for a charter school is owned or operated by any state agency or
1221 entity, and such facility or equipment purchased or used by the facility meets the safety
1222 standards of the state agency or entity that owns or operates such facility; or

1223 (B) A facility used for a charter school is owned by a local educational agency and
1224 operated utilizing standards of a state agency or entity, and such facility or equipment
1225 purchased or used by the facility meets the safety standards of the state agency or entity
1226 with respect to structural soundness and sufficient maintenance,

1227 the facility or equipment or both shall be deemed to meet the safety requirements of this
1228 paragraph; provided, further, that in no event shall the state agency or entity or local
1229 educational agency owner or operator of a charter school with such facility or equipment
1230 be disqualified from eligibility for state grants or for federal grants awarded pursuant to
1231 state regulations due to such facility or equipment;

1232 (6) Subject to all laws relating to unlawful conduct in or near a public school;

1233 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in
 1234 the charter, by an independent certified public accountant licensed in this state; provided,
 1235 however, that a separate audit shall not be required for a charter school if the charter
 1236 school is included in the local school system audit conducted by the state auditor pursuant
 1237 to Code Section 50-6-6;

1238 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
 1239 provisions shall apply with respect to charter schools whose charters are granted or
 1240 renewed on or after July 1, 2000;

1241 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
 1242 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

1243 (10) Subject to the requirement that it shall not charge tuition or fees to its students
 1244 except as may be authorized for local boards by Code Section 20-2-133;

1245 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
 1246 quiet reflection;

1247 (12) Subject to the provisions of Code Section 20-2-210 relating to annual performance
 1248 evaluations;

1249 (13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and
 1250 criminal background checks; and

1251 ~~(13)~~(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating
 1252 to individual graduation plans."

1253 **SECTION 42.**

1254 Said chapter is further amended in Code Section 20-2-2067.1, relating to amendment of
 1255 terms of charter for charter schools, initial term of charter, and annual report by revising the
 1256 introductory language of subsection (c) as follows:

1257 "(c) Each start-up and conversion charter school and each charter system shall submit an
 1258 annual report outlining the previous year's progress to the authorizing local board or state
 1259 board, as appropriate; to parents and guardians of students enrolled in the school, or, for
 1260 a charter system, to parents and guardians of students enrolled in school within the local
 1261 school system; and to the Department of Education no later than ~~October 1~~ November 1
 1262 of each year. The report submitted by a charter system shall include, but not limited to,
 1263 data on all of its system charter schools. The report shall contain, but is not limited to:"

1264

SECTION 43.

1265 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section
 1266 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 1267 membership, and annual training, as follows:

1268 "(2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1269 shall concurrently submit such petition to the commission, to the local board of education
 1270 in which the school is proposed to be located, and to each local school system from which
 1271 the proposed school plans to enroll students. The commission shall not act on a petition
 1272 unless the local board of education in which the school is proposed to be located denies
 1273 the petition; provided, however, that such local board shall approve or deny the petition
 1274 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of
 1275 Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve
 1276 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall
 1277 be deemed a denial for purposes of this paragraph. A local board that has denied a
 1278 petition for a state charter school shall be permitted to present to the commission in
 1279 writing or in person the reasons for denial and the deficiencies in such petition resulting
 1280 in such denial."

1281

SECTION 44.

1282 Said chapter is further amended by revising subsection (a) of Code Section 20-2-2089,
 1283 relating to funding for state charter schools, as follows:

1284 "(a)(1) The earnings for a student in a state charter school shall be equal to the earnings
 1285 for any other student with similar student characteristics in a state charter school,
 1286 regardless of the local school system in which the student resides or the school system
 1287 in which the state charter school is located, and, except as otherwise provided in
 1288 paragraph (2) of this subsection, the department shall pay to each state charter school
 1289 through appropriation of state funds an amount equal to the sum of:

1290 (A)(i) QBE formula earnings and QBE grants earned by the state charter school
 1291 based on the school's enrollment, school profile, and student characteristics. For
 1292 purposes of this subparagraph, the term 'QBE formula earnings' means funds earned
 1293 for the Quality Basic Education Formula pursuant to Code Section 20-2-161,
 1294 including the portion of such funds that are calculated in accordance with Code
 1295 Section 20-2-164. QBE formula earnings shall include the salary portion of direct
 1296 instructional costs, the adjustment for training and experience, the nonsalary portion
 1297 of direct instructional costs, and earnings for psychologists and school social workers,
 1298 school administration, facility maintenance and operation, media centers, additional

1299 days of instruction in accordance with Code Section 20-2-184.1, and staff
1300 development, as determined by the department.

1301 (ii) A proportional share of earned state categorical grants, non-QBE state grants,
1302 transportation grants, school nutrition grants, and all other state grants, except state
1303 equalization grants, as determined by the department;

1304 (B) The average amount of the total revenues less federal revenues less state revenues
1305 other than equalization grants per full-time equivalent for the lowest five school
1306 systems ranked by assessed valuation per weighted full-time equivalent count, as
1307 determined by the department; and

1308 (C) The state-wide average total capital revenue per full-time equivalent, as determined
1309 by the department.

1310 (2) In the event that a state charter school offers virtual instruction:

1311 (A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of
1312 this subsection shall be equal to two-thirds of such calculated amount; provided,
1313 however, that this two-thirds amount may be increased by any amount up to the
1314 originally calculated amount in the discretion of the commission if relevant factors
1315 warrant such increase; and

1316 (B) The commission may reduce the amount of funds received pursuant to
1317 subparagraph (C) of paragraph (1) of this subsection ~~in proportion to the amount of~~
1318 ~~virtual instruction provided and based on factors that affect the cost of providing~~
1319 ~~instruction on a proportional basis if the school fails to provide documentation~~
1320 ~~confirming its capital expenditures per full-time equivalent are greater than or equal to~~
1321 ~~the state-wide average.~~

1322 (3) Any funds deducted from a state charter school pursuant to Code Section 20-2-164,
1323 representing the equivalent of a local school system's five mill share, shall be calculated
1324 based only on funds received pursuant to subparagraph (B) of paragraph (1) of this
1325 subsection. For a state charter school that offers virtual instruction, the amount of the
1326 deduction shall be reduced by one-third, unless the commission has increased the school's
1327 calculated amount pursuant to subparagraph (A) of paragraph (2) of this subsection, in
1328 which case the deduction shall be proportionate to the amount of funding received.

1329 ~~(3)~~(4) For purposes of this subsection, the terms:

1330 (A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax
1331 digest reduced by the amount calculated pursuant to subsection (g) of Code Section
1332 20-2-164.

1333 (B) 'Assessed valuation per weighted full-time equivalent count' is defined as the
1334 assessed valuation for the most recent year available divided by the weighted full-time
1335 equivalent count for the year of the digest."

1336

SECTION 45.

1337 An Act to provide in all counties of 500,000 or more population according to the United
1338 States Census of 1960 or any future United States Census that the pension board of the board
1339 of education in such counties shall recompute the pension paid to those teachers and
1340 employees who had retired as a matter of right prior to April 1, 1955, and who had been
1341 awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963,
1342 p. 2469), is repealed in its entirety.

1343

SECTION 46.

1344 All laws and parts of laws in conflict with this Act are repealed.