

House Bill 740

By: Representatives Scott of the 76th, Davis of the 87th, and Schofield of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the
2 "Quality Basic Education Act," so as to provide for development of promotional standards
3 and criteria for first grade readiness by the Department of Education; to provide for
4 placement and promotion policies for kindergarten and grades one and two; to provide for
5 a timetable for implementation; to provide a short title; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Stop Social Promotion Act."

10 **SECTION 2.**

11 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality
12 Basic Education Act," is amended in Code Section 20-2-151, relating to general and career
13 education programs, purpose, and authorized programs, by revising paragraph (2) of
14 subsection (b) as follows:

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15 “(2) It is the policy of this state that the purpose of the primary grades program shall be
16 mastery by enrolled students of the essential basic skills and knowledge which will
17 enable them to achieve more advanced skills and knowledge offered at the higher grade
18 levels. For purposes of funding under this article, the primary grades program shall
19 include grades one, two, and three. To be eligible for enrollment in the first grade of a
20 state supported primary grades program, a child must attain the age of six by September
21 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
22 Board of Education shall adopt an instrument or instruments, procedures, and policies
23 necessary to assess the first grade readiness of children enrolled in Georgia's public
24 school kindergarten programs pursuant to Code Section 20-2-281. ~~Readiness information~~
25 ~~obtained by the instrument or instruments adopted by the state board shall be used by~~
26 ~~local school systems in concert with teacher recommendations and other relevant~~
27 ~~information to make appropriate student grade placement decisions. The Department of~~
28 ~~Education shall develop guidelines for utilization of the instrument or instruments in~~
29 ~~grade placement decisions and shall provide such guidelines to local school systems.~~
30 Readiness information obtained by the instrument or instruments adopted by the state
31 board shall be used by the Department of Education to develop promotional standards
32 and criteria for first grade readiness. Such promotional standards and criteria shall be
33 provided to local school systems. The ~~guidelines~~ promotional standards and criteria shall
34 include information pertinent to consideration of the placement of students who have
35 been identified as being disabled or limited-English-proficient. Whenever the decision
36 is made not to promote a child to the first grade, the local school system shall document
37 the reasons for the decision not to promote, according to ~~guidelines~~ promotional
38 standards and criteria established by the ~~board~~ Department of Education. The State
39 School Superintendent may annually provide a report summarizing the results of the
40 readiness of first grade Georgia public school kindergarten children. No student shall
41 remain in kindergarten for more than two years;”

SECTION 3.

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Said article is further amended in Part 12, relating to the effectiveness of educational programs, by revising Code Section 20-2-283, relating to criteria, specific requirements for students in grades three, five, and eight, and implementation, as follows:

"20-2-283.

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

(2) No later than January 1, 2026, the State Board of Education shall adopt criteria for the development of a placement and promotion policy by each local board of education consistent with the Georgia Academic Placement and Promotion Policy with respect to kindergarten and grades one and two.

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

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

(A) The first grade program to which the student would otherwise be assigned if the student does not meet the promotional standards and criteria for first grade readiness developed by the Department of Education in accordance with Code Section 20-2-151;

(B) The second grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement in accordance with Code Section 20-14-31 on the first grade end-of-grade reading assessment developed in accordance with subsection (a) of Code Section 20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends;

(C) The third grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement

69 in accordance with Code Section 20-14-31 on the second grade end-of-grade reading
70 assessment developed in accordance with subsection (a) of Code Section 20-2-281 and
71 meet the promotional standards and criteria established by the State Board of Education
72 and by the local school board for the school that the student attends;

73 ~~(A)~~(D) The fourth grade program to which the student would otherwise be assigned if
74 the student does not achieve grade level as defined by the Office of Student
75 Achievement in accordance with Code Section 20-14-31 on the third grade
76 end-of-grade reading assessment developed in accordance with subsection (a) of Code
77 Section 20-2-281 and meet the promotional standards and criteria established by the
78 State Board of Education and by the local school board for the school that the student
79 attends;

80 ~~(B)~~(E) The sixth grade program to which the student would otherwise be assigned if
81 the student does not achieve grade level as defined by the Office of Student
82 Achievement in accordance with Code Section 20-14-31 on the fifth grade end-of-grade
83 mathematics assessment and fifth grade end-of-grade reading assessment developed in
84 accordance with subsection (a) of Code Section 20-2-281 and meet the promotional
85 standards and criteria established by the State Board of Education and by the local
86 school board for the school that the student attends; or

87 ~~(C)~~(F) The ninth grade program to which the student would otherwise be assigned if
88 the student does not achieve grade level as defined by the Office of Student
89 Achievement in accordance with Code Section 20-14-31 on the eighth grade
90 end-of-grade mathematics assessment and eighth grade end-of-grade reading
91 assessment developed in accordance with subsection (a) of Code Section 20-2-281 and
92 meet the promotional standards and criteria established by the State Board of Education
93 and by the local school board for the school that the student attends;

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

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

102 (B) The student shall be retested with an end-of-grade assessment or an alternative
103 assessment instrument that is appropriate for the student's grade level as provided for
104 by the State Board of Education and the local board of education; and

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

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

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

113 (B) The school principal or the principal's designee shall notify in writing by first-class
114 mail the parent or guardian of the student and the teacher regarding the decision to
115 retain the student. The notice shall describe the option of the parent, guardian, or
116 teacher to appeal the decision to retain the student and shall further describe the
117 composition and functions of the placement committee as provided for in this
118 subsection, including the requirement that a decision to promote the student must be a
119 unanimous decision of the committee;

120 (C) If the parent, guardian, or teacher appeals the decision to retain the student, then
121 the school principal or designee shall establish a placement committee composed of the
122 principal or the principal's designee, the student's parent or guardian, and the teacher

123 of the subject of the assessment instrument on which the student failed to perform at
124 grade level and shall notify in writing by first-class mail the parent or guardian of the
125 time and place for convening the placement committee;

126 (D) The placement committee shall:

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

135 (ii) Prescribe for the student, whether the student is retained or promoted, such
136 accelerated, differentiated, or additional instruction as needed to perform at grade
137 level by the conclusion of the subsequent school year; prescribe such additional
138 assessments as may be appropriate in addition to assessments administered to other
139 students at the grade level during the year; and provide for a plan of continuous
140 assessment during the subsequent school year in order to monitor the progress of the
141 student;

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

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

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

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

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

153 **SECTION 4.**

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

156 "20-2-284.

157 (a) No later than July 1, 2003, each local board of education shall develop and adopt a
158 placement and promotion policy in accordance with the criteria established by the State
159 Board of Education as provided in Code Section 20-2-283 with respect to grades three,
160 five, and eight and consistent with the Georgia Academic Placement and Promotion Policy.

161 (b) No later than July 1, 2026, each local board of education shall develop and adopt a
162 placement and promotion policy in accordance with the criteria established by the State
163 Board of Education as provided in Code Section 20-2-283 with respect to kindergarten and
164 grades one and two and consistent with the Georgia Academic Placement and Promotion
165 Policy. Except for those end-of-grade assessments specified in Code Section 20-2-283, the
166 placement and promotion policy as developed and adopted by each local board of
167 education shall state how the end-of-grade assessments administered under Code Section
168 20-2-281 for grades one through eight will be weighted or otherwise utilized by the school
169 principal or the principal's designee in determining the overall academic achievement of
170 a student and an appropriate plan of accelerated, differentiated, or additional instruction,
171 placement, promotion, or retention of a student.

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

175 **SECTION 5.**

176 Said article is further amended by revising Code Section 20-2-285, relating to timetable for
177 implementation of policy, as follows:

178 "20-2-285.

179 The State Board of Education shall provide for a timetable of implementation of this Code
180 section and the Georgia Academic Placement and Promotion Policy which shall include:

181 (1) Kindergarten beginning with the 2026-2027 school year;

182 (2) The first grade beginning with the 2027-2028 school year;

183 (3) The second grade beginning with the 2028-2029 school year;

184 (4) The third grade beginning with the 2003-2004 school year;

185 ~~(2)~~(5) The fifth grade beginning with the 2004-2005 school year; and

186 ~~(3)~~(6) The eighth grade beginning with the 2005-2006 school year."

187 **SECTION 6.**

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