

The Senate Committee on Education and Youth offered the following substitute to HB 419:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for reports regarding student attendance; to provide for reports regarding the Georgia
3 special needs scholarship program; to clarify provisions relative to accreditation of private
4 schools participating in the promise scholarship program; to repeal the authority of the State
5 Board of Education to authorize qualified education expenses; to revise a provision relative
6 to term of public school enrollment required to qualify as a participating student; to clarify
7 what financial information shall be submitted by private schools to participate in the
8 program; to provide for limits on eligibility for nonaccredited private schools to enroll
9 participating students; to clarify provisions for the annual adjustment of account funds; to
10 provide for allocation of account funds rather than account payments; to require that
11 authorized reimbursable education expenses shall be preapproved by the education savings
12 authority; to provide for covering costs of administering the program; to revise provisions
13 relative to annual reporting requirements for the education savings authority; to provide for
14 schools that shall not be included in the separate list of public schools annually reported by
15 the Office of Student Achievement; to provide for a complete list of public schools; to make
16 conforming changes; to provide for an effective date; to provide for related matters; to repeal
17 conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**
20 **SECTION 1-1.**

21 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
22 Code Section 20-2-690.2, relating to student attendance and school climate committees, by
23 revising subsection (i) as follows:

24 "(i) Beginning in ~~2026~~ 2027, by ~~November~~ July 1 of each ~~even-numbered~~ year the
25 ~~Department of Education~~ Office of Student Achievement shall ~~submit to the chairpersons~~
26 ~~of the House Committee on Education and the Senate Education and Youth Committee a~~
27 ~~county-by-county~~ create a report of compliance with the requirements of this Code section
28 based on the current or most recent data received by the Department of Education. Such
29 report shall also include the student attendance rates and aggregated student discipline data
30 submitted by each local board of education as required in subsection (h) of this Code
31 section for the three most recently completed school years. Such report shall be posted on
32 ~~the Department of Education's public~~ Office of Student Achievement's website and
33 included in the annual report provided for in paragraph (2) of subsection (a) of Code
34 Section 20-14-27."

35 **SECTION 1-2.**

36 Said title is further amended in Code Section 20-14-27, relating to required reports and
37 publication format relative to the Office of Student Achievement, by revising subsection (a)
38 as follows:

39 "(a) The office shall submit the following reports to the alliance:
40 (1) An annual report regarding pre-kindergarten education shall be submitted no later
41 than December 1 of each year, commencing December 1, 2002. The pre-kindergarten

42 report shall be an evaluation of the progress made on performance indicators identified
43 and defined by the office and approved by the alliance for all pre-kindergarten and child
44 care programs under the administrative control of the Department of Early Care and
45 Learning. The pre-kindergarten report shall include information concerning results of the
46 state's investment in each pre-kindergarten program;

47 (2) An annual report regarding elementary and secondary education shall be submitted
48 no later than December 1 of each year, commencing December 1, 2001. The elementary
49 and secondary education report shall be an evaluation of the progress made on
50 performance indicators identified and defined by the office and approved by the alliance
51 for all elementary and secondary education programs administered by the Department of
52 Education. The elementary and secondary education report shall include information
53 concerning results of the state's investment in each public school and each public school
54 system;

55 (3) An annual report regarding postsecondary education shall be submitted no later than
56 December 1 of each year, commencing December 1, 2002. The postsecondary education
57 report shall be an evaluation of the progress made on performance indicators identified
58 and defined by the office and approved by the alliance for all universities, colleges,
59 institutes, and schools in the University System of Georgia and under the governance of
60 the Technical College System of Georgia. The postsecondary education report shall
61 include information concerning results of the state's investment in each university,
62 college, institute, and school; and

63 (4) An annual report regarding the Georgia education work force shall be submitted no
64 later than December 1 of each year, commencing December 1, 2002. The Georgia
65 education work force report shall be an evaluation of the progress made on performance
66 indicators identified and defined by the office and approved by the alliance for the
67 education work force status under the administrative control of the Professional Standards
68 Commission. The Georgia education work force report shall contain information on the

69 results of the state's investments in teacher preparation, educators' professional
70 development, education leadership development, in-field teaching, geographic teacher
71 shortages, alternative routes to teacher certification, and other general information and
72 indicators on the quality of the education work force; and
73 (5) An annual report regarding student attendance shall be submitted no later than July 1
74 of each year. Such report shall include, but shall not be limited to, attendance levels and
75 trends by school system and state-wide, attendance outcomes, and trends or patterns of
76 subgroups. The Department of Education shall provide student attendance data for the
77 previous school year to the office by February 1 of each year, including data reported
78 pursuant to Code Section 20-2-690.2 and any other data regarding student attendance
79 collected by the Department of Education."

80

PART II

81

SECTION 2-1.

82 Said title is further amended in Article 33 of Chapter 2, relating to the "Georgia Special
83 Needs Scholarship Act," by revising Code Section 20-2-2118, relating to annual report, as
84 follows:

85 "20-2-2118.

86 The Office of Student Achievement, in conjunction with the department, shall provide the
87 General Assembly not later than December 1 of each year with a report regarding the
88 scholarship program for the previous fiscal year. The report shall include, but not be
89 limited to, numbers and demographics of students participating, disaggregated by student
90 age, grade level, gender, race, ethnicity, and eligibility for free or reduced price meals
91 under federal guidelines at the time each student commenced participating in the program;
92 and numbers of participating schools; and the medical or behavioral conditions the
93 participating school is either currently accommodating or is able to accommodate. No later

94 than July 31 of each year, the department shall provide such data for the previous fiscal
95 year to the Office of Student Achievement. Such report shall also be posted on the Office
96 of Student Achievement's public website."

97

PART III

98

SECTION 3-1.

99 Said title is further amended in Article 2 of Chapter 2B, relating to promise scholarship
100 accounts, by revising paragraphs (8) and (10) of Code Section 20-2B-21, relating to
101 definitions, as follows:

102 "(8) 'Private school' means a nonpublic school, sectarian or nonsectarian, which is
103 accredited or in the process of becoming accredited by a recognized accrediting agency,
104 as such term is defined in Code Section 20-14-96, or by one or more of the entities listed
105 in subparagraph (A) of paragraph (6) of Code Section 20-3-519; provided, however, that
106 any private school that is in the process of becoming accredited by a recognized
107 accrediting agency shall provide to the education savings authority, both annually and
108 upon request by the education savings authority, written verification by such recognized
109 accrediting agency that such private school is making timely and good faith progress
110 toward accreditation."

111 "(10) 'Qualified education expenses' means any one or more of the following:

112 (A) Tuition, fees, and required textbooks for eligible core courses and eligible CTAE
113 courses, as such terms are defined in Code Section 20-2-161.3, at a participating school,
114 accredited community college or postsecondary education institution, or nonpublic
115 online learning program or course physically located in this state;

116 (B) Tutoring services provided by an educator certified by the Professional Standards
117 Commission;

- 118 (C) Payment for the purchase of a curriculum, including any supplemental materials
 119 required by the curriculum;
- 120 (D) Services from a physician or therapist licensed pursuant to Chapter 10A, 28, 33,
 121 34, or 44 of Title 43, including, but not limited to, for occupational, behavioral,
 122 physical, or speech-language therapies;
- 123 (E) No more than \$500.00 per year to a fee-for-service transportation provider for
 124 transportation to or from a participating school or service provider;
- 125 (F) Fees for the management of account funds in accordance with subsection (e) of
 126 Code Section 20-2B-26;
- 127 (G) Other expenses authorized by ~~the State Board of Education~~ or the education
 128 savings authority; or
- 129 (H) Individual education expenses authorized by a majority of the parent review
 130 committee as provided for in Code Section 20-2B-25."

131

SECTION 3-2.

132 Said title is further amended in said article by revising subsection (a) of Code Section
 133 20-2B-22, relating to participating student qualifications, continued eligibility of
 134 participating students to receive funds subject to conditions, requirements for parents of
 135 participating students, and forfeiture of account funds, as follows:

136 "(a) A student shall qualify for a promise scholarship account under this article if:

137 (1) The student's parent resides within Georgia and has been a Georgia resident for at
 138 least one year; provided, however, that such one-year residency requirement shall not
 139 apply if the student's parent is an active duty military service member stationed in
 140 Georgia within the previous year;

141 (2)(A) The student is currently enrolled and has been continuously enrolled in a
 142 Georgia public school for a period of time that includes at least two consecutive

143 enrollment counts conducted pursuant to Code Section 20-2-160; ~~provided, however,~~
 144 ~~that such.~~

145 (B) The enrollment requirement provided for in subparagraph (A) of this paragraph
 146 shall not apply to a child who meets all other qualifications provided for in this
 147 subsection and is eligible to enroll in a qualified kindergarten program of the public
 148 school in which such child would be enrolled based on his or her residence;

149 (3) The student resides in the attendance zone of a public school that is included on the
 150 list of public schools provided for in Code Section 20-2B-29;

151 (4) The student does not meet any of the ineligibility criteria provided for in
 152 subsection (b) of Code Section 20-3-519.1;

153 (5)(A) Except as provided in subparagraph (B) of this paragraph, the student's family
 154 income does not exceed 400 percent of the federal poverty level as defined annually by
 155 the federal Office of Management and Budget.

156 (B)(i) If, and to the extent the education savings authority determines quarterly, as
 157 provided for in division (ii) of this subparagraph, that the ~~In the event that the amount~~
 158 of funds appropriated for the program exceeds the amount of funds necessary to
 159 include all students who meet the family income requirement provided for in
 160 subparagraph (A) of this paragraph and the student:

161 ~~(i)(I)~~ (I) Is already a participating student; or

162 ~~(ii)(II)~~ (II) Timely submitted an application for an account to the education savings
 163 authority by either of the two quarterly application deadlines immediately preceding
 164 July 1 as provided for in paragraph (9) of this subsection,

165 the student's family income exceeds 400 percent of the federal poverty level as defined
 166 annually by the federal Office of Management and Budget; provided, however, that
 167 from among students provided for in this subparagraph, students who previously
 168 participated in the program shall be prioritized;.

169 (ii) Within 45 days of each application deadline provided for in paragraph (9) of this
170 subsection, the education savings authority shall:

171 (I) Determine whether the amount of funds appropriated for the program exceeded
172 the amount of funds necessary for the current quarter to include all students who
173 meet the family income requirement provided for in subparagraph (A) of this
174 paragraph; and

175 (II) Announce on its website the total number of current participating students and
176 the total number of students that may be selected to participate in the program
177 pursuant to this subparagraph;

178 (6) The student is not the recipient or beneficiary of a scholarship or other benefit
179 provided for under Article 33 of Chapter 2 of this title, the 'Georgia Special Needs
180 Scholarship Act,' nor shall the student or the student's parent seek to receive such
181 scholarship or other benefit at any time during which such student is a participating
182 student;

183 (7) The student is not the recipient or beneficiary of a scholarship, tuition grant, or other
184 benefit from a student scholarship organization, as such term is defined in Code
185 Section 20-2A-1, nor shall the student or the student's parent seek to receive such
186 scholarship, tuition grant, or other benefit at any time during which such student is a
187 participating student;

188 (8) The student's parent signs an agreement promising:

189 (A) To provide an education for the student in at least the subjects of reading,
190 grammar, mathematics, social studies, and science;

191 (B) Not to enroll the student in a local school system school, local charter school, state
192 charter school, or completion special school while participating in the program;
193 provided, however, that this subparagraph shall not be construed to prohibit students
194 from part-time enrollment in a college and career academy, as such term is defined in

195 subsection (b) of Code Section 20-4-37, which has been approved by the education
196 savings authority to be a service provider; and

197 (C) To use account funds only for the student's qualified education expenses; and

198 (9) The student's parent submits an application for an account to the education savings
199 authority no later than the deadline established by the education savings authority;
200 provided, however, that the education savings authority shall provide quarterly
201 application periods ~~and deadlines that correspond with quarterly funding dates pursuant~~
202 ~~to subsection (b) of Code Section 20-2B-24."~~

203 **SECTION 3-3.**

204 Said title is further amended in said article by revising subsection (a) of and adding a new
205 subsection to Code Section 20-2B-23, relating to requirements for participating schools,
206 responsibilities of education savings authority, prohibited requirements, and agency not
207 established, to read as follows:

208 "(a) To be eligible to enroll a participating student, a participating school shall:

209 (1) Demonstrate fiscal soundness by having been in operation for one school year or by
210 submitting a financial ~~information~~ report prepared by a certified public accountant that
211 includes a balance sheet, an income statement, and a cash flow statement for the school
212 that complies with uniform financial accounting standards established by the education
213 savings authority ~~and conducted by a certified public accountant. The Such report shall~~
214 confirm that the school desiring to participate is insured and the owner or owners of such
215 school have sufficient capital or credit to operate the school for the upcoming school year
216 serving the number of students anticipated with expected revenues from tuition and other
217 sources that may be reasonably expected. The report shall be limited in scope to those
218 records that are necessary for the education savings authority to make a determination ~~on~~
219 as to the fiscal soundness of the school;

220 (2)(A) Beginning on August 1 of the first year following the year in which this article
221 becomes effective and by August 1 each year thereafter, submit to the education
222 savings authority and the Department of Education a report of:

223 (i) The aggregate data of student attendance rates and course completion rates for
224 eligible core courses and eligible CTAE courses, as such terms are defined in Code
225 Section 20-2-161.3, of all participating students enrolled in such participating school;

226 (ii) The dates of enrollment for each participating student enrolled in such
227 participating school during the previous school year; and

228 (iii) The amount of account funds, if any, received on behalf of each participating
229 student during the previous school year.

230 (B) Beginning on August 1, 2030, ~~of the fourth year following the year in which this~~
231 ~~article becomes effective~~ and by August 1 each year thereafter, submit to the education
232 savings authority and the Department of Education a de-identified report of the on-time
233 graduation rate of participating students enrolled in such participating school. For
234 purposes of this subparagraph, ~~the~~ such on-time graduate rate shall be calculated using
235 the four-year adjusted cohort graduation rate criteria which are used by the Department
236 of Education for state and federal accountability purposes;

237 (3) Comply with the antidiscrimination provisions of 42 U.S.C. Section 2000d;

238 (4) Comply with all health and safety laws or codes that apply to private schools;

239 (5) Comply with all provisions of Code Section 20-2-690 and any other state law
240 applicable to private schools; and

241 (6) Be physically located in Georgia.

242 (a.1) Notwithstanding any provision of subsection (a) of this Code section or any other law
243 to the contrary, if the period of time during which a private school is in the process of
244 becoming accredited by a recognized accrediting agency, as provided for in paragraph (8)
245 of Code Section 20-2B-21, while also having participating students enrolled in such private
246 school exceeds two years beyond the date on which such private school began enrolling

247 participating students, then such private school shall not be eligible to enroll participating
248 students until such time as such private school becomes accredited by a recognized
249 accrediting agency."

250

SECTION 3-4.

251 Said title is further amended in said article by revising Code Section 20-2B-24, relating to
252 funding and use of funds, as follows:

253 "20-2B-24.

254 (a)(1) The total amount of state funds allotted to the program each fiscal year shall not
255 exceed 1 percent of the total appropriation for the Quality Basic Education Program in
256 the General Appropriations Act from the previous fiscal year.

257 (2) Subject to the provisions of paragraph (1) of this subsection, upon this article
258 becoming effective, the account funds granted to each participating student pursuant to
259 this article shall be \$6,500.00 for the first school year. Each subsequent school year, the
260 amount of account funds granted to each participating student shall reflect austerity
261 adjustments, if any, and shall be adjusted by an amount equal to the difference between:

262 (A) The product of multiplying the base amount provided for in Code Section 20-2-161
263 for the current school year by the percentage at which the Quality Basic Education
264 Formula is initially funded for such school year; and

265 (B) The base amount provided for in Code Section 20-2-161 for the previous school
266 year.

267 (3) In the event that the total amount of state funds allotted to the program in a fiscal year
268 is not sufficient to provide 100 percent of the amount of account funds to be granted to
269 each participating student as provided in paragraph (2) of this subsection, the amount of
270 account funds to be granted to each participating student shall be adjusted according to
271 rules and regulations adopted by the education savings authority as provided for in Code
272 Section 20-2B-26; provided, however, that such rules and regulations shall provide that

273 such adjustment of account funds for students whose family income does not exceed 400
274 percent of the federal poverty level as defined annually by the federal Office of
275 Management and Budget shall be no more than 50 percent of the adjustment of account
276 funds for students whose family income exceeds 400 percent of the federal poverty level
277 as defined annually by the federal Office of Management and Budget.

278 (b)(1) When a participating student enters the program, the education savings authority
279 shall receive all documentation required for ~~the~~ such student's participation ~~during a~~
280 ~~quarterly enrollment period as provided for in paragraph (9) of subsection (a) of Code~~
281 ~~Section 20-2B-22 before the first quarterly account payment is made for the~~ any funds
282 are allocated to the account of such student.

283 (2) Upon proper documentation received by the education savings authority, the
284 education savings authority shall ~~make quarterly payments~~ allocate funds to the account
285 of a participating student, beginning with the first ~~quarterly payment~~ quarter that
286 corresponds with the enrollment period ~~in for~~ for which the such student's application was
287 received. As nearly as practical, ~~such quarterly payments shall be equal~~ such allocations
288 shall be made on a quarterly basis and in equal amounts. The state auditor shall cite as
289 an audit exception any failure by the education savings authority to meet any allocation
290 or payment deadlines and shall include such audit exceptions on the website established
291 pursuant to Code Section 50-6-32.

292 (3) The education savings authority shall develop a system for parents to direct account
293 funds to participating schools and service providers by electronic funds transfer,
294 automated clearing-house transfer, or another system that the education savings authority
295 finds to be commercially viable, cost-effective, and easy for parents of participating
296 students to use. The education savings authority shall not adopt a system that relies
297 solely on reimbursing parents for out-of-pocket expenses, but may determine certain
298 qualified education expenses that must require reimbursement or preapproval for
299 purchase. The education savings authority is authorized to qualify private financial

300 management firms to manage the allocation and payment system. The education savings
301 authority, at its discretion, shall be authorized to create a system of individually funded
302 accounts or notional accounts funded through a single state omnibus account.

303 ~~(4) If the participating school requires partial payment of tuition prior to the start of the~~
304 ~~academic year to reserve space for students admitted to the school, such partial payment~~
305 ~~may be paid by the education savings authority prior to the first quarterly payment of the~~
306 ~~year in which the account is awarded, up to a maximum of \$1,000.00, and deducted from~~
307 ~~subsequent account payments. If a student decides not to attend the participating school,~~
308 ~~the partial reservation payment shall be returned to the education savings authority by~~
309 ~~such school. Only one reservation payment per student may be made per school year.~~

310 (c) Funds ~~received~~ allocated pursuant to this Code section shall not constitute taxable
311 income of the parent of the participating student.

312 (d) Funds ~~deposited into an account~~ allocated pursuant to this Code section shall be used
313 only for qualified education expenses for the participating student. Unused allocated funds
314 ~~in an account~~, up to an amount not greater than 50 percent of the total funds ~~deposited into~~
315 allocated to the account for the current school year, shall roll over to the following school
316 year; provided, however, that, if an account has been inactive for ~~two consecutive school~~
317 ~~years~~ eight consecutive quarters, or the participating student graduates from high school,
318 the funds ~~in~~ allocated to such account shall be returned to the state general fund and the
319 account shall be closed.

320 (e) Nothing in this article shall be deemed to prohibit a parent or student from making a
321 payment for any tuition, fee, service, or product described in this article from a source other
322 than the account funds of the student."

323

SECTION 3-5.

324 Said title is further amended in said article by revising subsections (c) and (e) of Code
 325 Section 20-2B-26, relating to education savings authority, powers and duties, rules and
 326 regulations, and limitation of liability, as follows:

327 "(c) The education savings authority shall have the authority to:

328 (1) Examine and audit accounts and records of participating student accounts, or contract
 329 for such examining and auditing of accounts, and shall, at a minimum, annually conduct
 330 ~~random audits~~ fraud detection and prevention audits of at least 5 percent of such accounts
 331 selected on a random basis ~~on an annual basis~~;

332 (2) Take or require that such corrective, remedial, or preventive actions be taken as may
 333 be necessary or appropriate to protect the interests of the education savings authority, the
 334 state, the United States, schools, students, and the public at large; and

335 (3) Make any parent or participating student ineligible for the program in the event of
 336 misuse of account funds."

337 "(e) ~~The~~ In the event that sufficient funds are not appropriated by the General Assembly
 338 to cover the costs incurred by the education savings authority to administer the program,
 339 the education savings authority shall be authorized to deduct from each active account a
 340 pro rata share of each account not to exceed 5 percent annually; provided, however, that
 341 the total amount of such deductions shall not exceed the amount necessary to cover costs
 342 of may deduct an amount from accounts to cover the costs of overseeing and administering
 343 the program that are not covered by such appropriated funds or other funds available and
 344 authorized for such purpose, up to a maximum of 5 percent annually."

345

SECTION 3-6.

346 Said title is further amended in said article by revising Code Section 20-2B-28, relating to
 347 annual reports and audits, as follows:

348 "20-2B-28.

349 (a)(1) ~~The~~ Not later than December 1, 2026, each year, the education savings authority
 350 shall provide the respective chairpersons of the House Committee on Education, the
 351 House Committee on Appropriations, the Senate Education and Youth Committee, and
 352 the Senate Appropriations Committee, the Office of Planning and Budget, and the
 353 Department of Audits and Accounts ~~General Assembly not later than December 1 of each~~
 354 ~~year~~ with a report regarding the program for the previous fiscal year. Such report shall
 355 also be posted on the education savings authority's ~~public~~ website.

356 (b)(2) The report required under paragraph (1) of this subsection shall:

357 (A) ~~Include~~ include, but shall not be limited to:

358 (i) The numbers, grade levels, and demographics of participating students;

359 (ii) The names and total number and numbers of participating schools and the grade
 360 levels and total number of students by grade served by each such school; ~~The report~~
 361 ~~shall also include:~~

362 (1)(iii) ~~Participating student performance on nationally norm-referenced tests or~~
 363 ~~state-wide assessments, including aggregate information on long-term performance~~
 364 ~~gains;~~

365 (2)(iv) ~~The level of satisfaction with the program from~~ reported by parents of
 366 participating students;

367 (3)(v) ~~The percentage of~~ account funds used for each type of qualified education
 368 expense included in paragraph (11) (10) of Code Section 20-2B-21; and

369 (vi) The percentage of account funds used, if any, to cover costs of administering the
 370 program as provided for in subsection (e) of Code Section 20-2B-26;

371 (4)(B) Include a statement of the ~~The~~ fiscal impact to the state and resident school
 372 systems of the program, taking into consideration both the impact on revenue and the
 373 impact on expenses. The fiscal savings associated with students departing public
 374 schools shall be explicitly quantified, even if the public school losing the student or

375 students does not reduce its spending. The Department of Education, the Office of
 376 Student Achievement, the State Charter Schools Commission, local school systems, and
 377 other public schools shall provide data requested by the education savings authority as
 378 necessary to prepare such statement; and

379 (C) Protect the identity of participating students through whatever means the education
 380 savings authority deems appropriate, including, but not limited to, by keeping
 381 anonymous all disaggregated data and complying with state and federal guidelines for
 382 student privacy.

383 ~~(c) The report shall apply appropriate analytical and behavioral science methodologies to~~
 384 ~~ensure public confidence in such report.~~

385 ~~(d) The report shall protect the identity of participating students through whatever means~~
 386 ~~the education savings authority deems appropriate, including, but not limited to, by keeping~~
 387 ~~anonymous all disaggregated data and complying with state and federal guidelines for~~
 388 ~~student privacy. The names of participating schools and the number of participating~~
 389 ~~students at each such school shall be included in the report.~~

390 ~~(e)~~(b) The Department of Audits and Accounts shall audit the program annually. Audit
 391 reports, including, but not limited to, any findings and recommendations by the Department
 392 of Audits and Accounts, shall be included in the first annual report submitted by the
 393 education savings authority pursuant to this Code section following completion of each
 394 audit of the program by the Department of Audits and Accounts. Nothing in this
 395 subsection shall be construed to limit the authority of the Department of Audits and
 396 Accounts to conduct an audit at any time."

397 **SECTION 3-7.**

398 Said title is further amended in said article by revising Code Section 20-2B-29, relating to
 399 publication of public school performance, as follows:

400 "20-2B-29.

401 (a) In the annual report required by paragraph (2) of subsection (a) of Code Section
402 20-14-27, the Office of Student Achievement shall include a separate list of public schools
403 that performed in the lowest 25 percent of all public schools based on the cumulative
404 individual school ratings, as provided for in subsection (d) of Code Section 20-14-33, for
405 the two most recent school years for which the Office of Student Achievement issued such
406 ratings; provided, however, that, in the event of a tied rating, the public school with the
407 lower performance in student achievement shall be prioritized; provided, further, however,
408 that such list shall not include:

409 (1) Any public any school with more than 50 percent of its enrolled students assigned to
410 an education program provided for in Code Section 20-2-154.1;

411 (2) Any public school with a state-wide attendance zone;

412 (3) State charter schools, as such term is defined in Code Section 20-2-2081;

413 (4) Local charter schools, as such term is defined in Code Section 20-2-2062;

414 (5) Completion special schools, as such term is defined in Code Section 20-2-2096.1;

415 (6) State operated special schools, including the Georgia School for the Deaf, the
416 Georgia Academy for the Blind, the Atlanta Area School for the Deaf, and other special
417 schools as approved by the General Assembly;

418 (7) Any school that is part of the Department of Juvenile Justice school system;

419 (8) Any school that exclusively provides virtual instruction; or

420 (9) Any public school that exclusively enrolls students in grades before the third grade.

421 (b) By October 1 of each year, the Department of Education shall provide to the Office of
422 Student Achievement a complete list of all public schools which shall include for each such
423 school the school type designation, whether the school exclusively provides virtual
424 instruction, and the grades served by such school. The Office of Student Achievement
425 shall use such information for purposes of applying the exclusions provided for in
426 paragraphs (1) through (9) of subsection (a) of this Code section.

427 (b)(c) By ~~December 1~~ January 15 of each year, the Office of Student Achievement shall
428 publish on its website the list provided for in subsection (a) of this Code section."

429

PART IV

430

SECTION 4-1.

431 This Act shall become effective upon its approval by the Governor or upon its becoming law
432 without such approval.

433

PART V

434

SECTION 5-1.

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