



Georgia General Assembly

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House Bill 1190 (AS PASSED HOUSE AND SENATE)

By: Representatives O`Neal of the 117th, Coleman of the 65th, Burkhalter of the 36th, Golick of the 34th, Post 3, and Rice of the 64th

A BILL TO BE ENTITLED AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to change the provisions relating to school councils and their membership, selection, terms, powers, duties, officers, operations, bylaws, meetings, practices, and procedures; to change the provisions relating to the powers and duties of local boards of education and local school officials; to change the provisions relating to training programs for school councilmembers; to provide for the revision of certain provisions regarding education flexibility and accountability; to allow the State Board of Education to prescribe the manner and grade level for certain required courses in history and government; to authorize alternative methods for certain transfer students; to provide for rules and regulations; to authorize certain exemptions; to change certain provisions regarding early intervention programs; to change certain provisions relating to expenditure controls for the 2004-2005 school year; to provide for certain reports; to change certain provisions relating to maximum class size for the 2004-2005 school year; to provide for automatic repeal; to authorize certain instruction for students who fail the criterion referenced reading assessment; to provide for a study of such students; to provide for exemptions to provisions relating to middle schools in certain circumstances; to change certain provisions relating to charter schools; to amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of the employment of minors, so as to provide for notice to the employers regarding a student's attendance record; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to revise certain provisions relating to eligibility of minors; to authorize waiver of certain provisions in order to improve student performance in specified circumstances; to provide for contents of the

application for waiver; to provide for maximum duration of a waiver; to change certain provisions regarding effectiveness assessment; to delete a provision prohibiting the identification by name of any student in records stored at the state level; to prohibit identifying students and employees by social security number in violation of law; to provide for written policies of local boards regarding unstructured break time for students; to change penalties for failure to comply with compulsory attendance requirements; to provide for written summaries of penalties and consequences of failure to comply with compulsory attendance requirements; to provide for student attendance protocols and their contents, purpose, and dissemination; to provide for student attendance protocol committees and their membership and duties; to require school principals to support the authority of teachers to remove certain students from a classroom; to revise the definition of "disciplinary orders" to include those from private schools and out-of-state schools; to provide for additional requirements for student codes of conduct; to eliminate the requirement that local boards of education submit a copy of their student codes of conduct to the State Board of Education; to provide that local board policies require local school superintendents to support the authority of principals and teachers to remove certain students from a classroom; to provide that state policy prefers reassignment of disruptive students to alternative educational settings rather than suspension or expulsion; to change certain provisions relating to suspending students for committing acts of physical violence; to revise certain provisions relating to disciplinary hearings by a disciplinary hearing officer, panel, or tribunal; to require that all disciplinary hearings be held within a certain time after the beginning of a student's suspension; to provide for exceptions; to provide for notice to any teacher who is called as a witness for a disciplinary hearing; to provide that certain provisions relating to disciplinary actions shall apply to children in kindergarten through grade five; to provide for changes to the accountability assessment; to amend the Official Code of Georgia Annotated so as to change the name "Office of Education Accountability" to "Office of Student Achievement"; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by striking Code Section 20-2-86, relating to operation of school councils, and inserting in lieu thereof the following:

"20-2-86.

(a) By October 1, 2001, each local board of education that elects to participate in the Quality Basic Education Program provided for in Article 6 of this chapter shall have a school council operational at a minimum of one high school, one middle school, and one elementary school, except that if a school system does not have its schools organized in this manner the system shall designate schools for a school council as closely to the intent of this Code section as

possible. By October 1, 2002, each local board of education shall have a school council operational in a minimum of 50 percent of the schools under its jurisdiction. Such school council shall operate pursuant to this Code section, and the local board of education shall assist all councils in their creation and operation. After two years of successful operation, and upon receiving a high performance designation by the Office of Education Accountability, the local board of education shall devolve to the school council such additional authority in matters of school operation as the local board deems appropriate. By October 1, 2003, each local board of education shall have a school council operational in each of the schools under its jurisdiction. Local boards of education may by board policy allow an alternative to a school council at a charter school, an alternative school, or a psychoeducation center if another governance body or advisory council exists that performs a comparable function.

(b) The local board of education shall provide a training program to assist schools in forming a school council and to assist school councilmembers in the performance of their duties. Such program shall address the organization of councils, their purpose and responsibilities, applicable laws, rules, regulations and meeting procedures, and important state and local school system program requirements and shall provide a model school council organization plan. ~~The Additional training program programs shall be offered to school councilmembers at least twice per school year, except that this program shall be offered during the month of July should there be members of the school council with a term commencing on July 1 who have not previously received this training annually.~~ The State Board of Education shall develop and make available a model school council training program.

(c) Membership on the council shall be open to teachers, parents, and business representatives selected from all businesses that are designated school business partners. Any member may withdraw from the council by delivering to the council a written resignation and submitting a copy to the secretary of the council or school principal. Should school councilmembers determine that a member of the council is no longer active in the council as defined by the bylaws of the council, the council may, by a majority ~~vote of five members of the council,~~ withdraw such person's membership status, effective as of a date determined by the council.

(d) The property and business of the council shall be managed by a minimum of seven school councilmembers of whom a majority shall constitute a quorum. ~~School councilmembers must be individuals who are 18 years of age or older~~ The number of councilmembers shall be specified in the council's bylaws. If the number of councilmembers exceeds seven, the number of parent members and teacher members must be equal. Members of the school council shall include:

- ~~Two~~ At least two parents or guardians of students enrolled in the school, excluding employees who are parents or guardians of such students;
- ~~Two businesspersons, one of whom shall be selected by the local board of education and one of whom shall be selected by the other five nonbusiness members of the school council from the business partners of the school or, if there are no business partners, from the local~~

business community;

(3) Two At least two certificated teachers, excluding any personnel employed in administrative positions, who are employed at least four of the six school segments at the school; ~~and~~

(4) The school principal; and

(5) Other members as specified in the council's bylaws, such as, but not limited to, students, staff, and representatives of school related organizations. Selection procedures for these members and the business members shall be specified in the council's bylaws.

An employee of the local school system may serve as a parent representative on the council of a school in which his or her child is enrolled if such employee works at a different school. With the exception of the principal and the business representatives, members shall be elected by, and from among, the group they represent. ~~The chairperson of the council shall be the school principal.~~

(e) Members of the council shall serve for a term of two years or for such other term as may be specified in the council's bylaws, except as provided in this subsection. Upon the expiration of the terms of the councilmembers in office on July 1, 2004, the subsequent terms of the councilmembers shall be staggered. In order to stagger the terms, the initial terms of one-half of the councilmembers pursuant to paragraph (1) of subsection (d) of this Code section, one-half of the councilmembers pursuant to paragraph (2) of subsection (d) of this Code section, one-half of the councilmembers pursuant to paragraph (3) of subsection (d) of this Code section, and one-half of the councilmembers pursuant to paragraph (5) of subsection (d) of this Code section shall have initial terms of one year and the remaining members shall have initial terms of two years. Councilmembers may serve more than one term. The office of school councilmember shall be automatically vacated:

(1) If a member shall resign;

(2) If the person holding the office is removed as a member by an action of the council pursuant to this Code section; or

(3) If a member no longer meets the qualifications specified in this Code section.

An election within the electing body for a replacement to fill the remainder of an unexpired term shall be held within 30 days, unless there are 90 days or less remaining in the term in which case the vacancy shall remain unfilled.

(f) All meetings of the school council shall be held at the school site open to the public. The council shall meet ~~once a month,~~ at least four times annually and the number of meetings shall be specified in the council's bylaws. The council shall also meet at the call of the chairperson, or at the request of a majority of the members of the council. Notice by mail shall be sent to school councilmembers at least seven days prior to a meeting of the council and shall include the date, time, and location of the meeting. School councils shall be subject to Chapter 14 of Title 50, relating to open and public meetings, in the same manner as local boards of education. Each member is authorized to exercise one vote. A quorum must be present in order to conduct official council business. Members of the council shall not receive remuneration to serve on the

council or its committees.

(g) After providing public notice at least two weeks before the meeting of each electing body, the principal of each school shall call a meeting of electing bodies during the month of May each year for the purpose of selecting members of the school council as required by this Code section. The electing body for the parent members shall consist of all parents and guardians eligible to serve as a parent member of the school council, and the electing body for the teacher members shall consist of all certificated personnel eligible to serve as a teacher member of the school council. The school council shall specify in its bylaws the month in which elections are to be held and shall specify a nomination and election process.

(h) The school council shall adopt such bylaws as it deems appropriate to conduct the business of the council. The adoption of bylaws or changes thereto requires ~~five~~ a two-thirds affirmative ~~votes~~ vote. The State Board of Education shall develop and make available model school council bylaws.

(i) The school council shall have the same immunity as the local board of education in all matters directly related to the functions of the council.

(j)(1) The officers of the school council shall be a chairperson, vice chairperson, and secretary. Officers of the council, ~~other than the chairperson,~~ shall be ~~appointed~~ elected by ~~resolution of~~ the council at the first meeting of the council following the election of school councilmembers. The officers of the council shall hold office ~~concurrently with~~ for the term of ~~members of the council~~ specified in the council's bylaws.

(2) The vice chairperson shall, in the absence or disability of the chairperson, perform the duties and exercise the powers of the chairperson and shall perform such other duties as shall ~~from time to time be imposed upon him or her~~ be required by the council.

(3) The secretary shall attend all meetings, act as clerk of the council, and be responsible for recording all votes and minutes of all proceedings in the books to be kept for that purpose. The secretary shall give or cause to be given notice of all meetings of the council and shall perform such other duties as may be prescribed by the council ~~or the chairperson, under whose supervision the secretary shall be.~~

(k) The members of the school council are accountable to the constituents they serve and shall:

- (1) Maintain a school-wide perspective on issues;
- (2) Regularly participate in council meetings;
- (3) Participate in information and training programs;
- (4) Act as a link between the school council and the community;
- (5) Encourage the participation of parents and others within the school community; and
- (6) Work to improve student achievement and performance.

(l) The minutes of the council shall be made available to the public, for inspection at the school office, and shall be provided to the councilmembers, each of whom shall receive a copy of such minutes within 20 days following each council meeting. All school councils shall be subject to Article 4 of Chapter 18 of Title 50, relating to the inspection of public records, in the same

manner as local boards of education.

(m) At all meetings of the council every question shall be determined by a majority vote of members present, representing a quorum.

(n) The term of office of all councilmembers shall begin on July 1 and end on June 30 the dates specified in the council's bylaws.

(o) The council may appoint committees, study groups, or task forces for such purposes as it deems helpful and may utilize existing or new school advisory groups.

(p) The local board of education shall provide all information not specifically made confidential by law, including school site budget and expenditure information and site average class sizes by grade, to the council as requested or as required by state law or state board rule.

The local board shall also designate an employee of the school system to attend council meetings as requested by a school council for the purpose of responding to questions the council may have concerning information provided to it by the local board or actions taken by the local board. The central administration shall be responsive to requests for information from a school council.

(q) The local board of education shall receive and consider all recommendations of the school council, including the annual report, ~~and shall have the authority to overturn any decision of the school council~~ as follows:

(1) Public notice shall be given to the community of the local board's intent to consider school council reports; or recommendations, ~~appointments, or any other decision of a school council;~~

(2) Written notice shall be given to the members of the school council at least seven days prior to ~~such~~ a local board meeting, along with a notice of intent to consider a council report; or recommendation, ~~appointment, or any other decision of the council; and~~

(3) The members of the school council shall be afforded an opportunity to present information in support of the school council's ~~action;~~ and report or recommendation.

(4) ~~A majority of the board members present, representing a quorum, vote to overturn the council decision.~~

The local board of education shall respond to ~~each recommendation~~ recommendations of the school council within 60 days after being notified in writing of the recommendation.

(r) The school principal shall have the following duties pertaining to school council activities:

(1) Cause to be created a school council pursuant to this Code section by convening the appropriate bodies to select school councilmembers; setting the initial agenda, meeting time, and location; and notifying all school councilmembers of the same;

(2) ~~Serve as chairperson of the school council and perform~~ Perform all of the duties required by law and the bylaws of the council;

(3) ~~Speak for and represent the council in all school council matters before the local board of education;~~

(4) Communicate all council requests for information and assistance to the local school superintendent and inform the council of responses or actions of the local school

superintendent;

(5)(4) Develop the school improvement plan and school operation plan and submit the plans to the school council for its review, comments, recommendations, and approval; and

~~(6)(5) Develop~~ Aid in the development of the agenda for each meeting of the council after taking into consideration suggestions of councilmembers and the urgency of school matters. An item may be added to the agenda at the request of three or more councilmembers; and,

~~(7) Provide to the council the initial and midterm allotment sheets for the school that are provided by the Department of Education pursuant to Article 6 of this chapter.~~

(s) School councils are advisory bodies. The councils shall provide advice and recommendations to the school principal and, where appropriate, the local board of education and local school superintendent on any matter related to student achievement and school improvement, including, but not limited to, the following:

(1) School ~~calendar~~ board policies;

(2) School ~~codes for conduct and dress~~ improvement plans;

(3) Curriculum, ~~program goals, and priorities~~ and assessments;

(4) ~~The responses of the school to Report cards issued or audits of the school as conducted by the Office of Education Accountability;~~

(5) ~~Preparation and distribution to the community~~ Development of a school profile which shall contain data as identified by the council to describe the academic performance, academic progress, services, awards, interventions, environment, and other such data as the council deems appropriate;

~~(6) In the case of a vacancy in the position of school principal, the recommendation of a school principal from a list of qualified applicants submitted by the local board of education and local school superintendent to the council;~~

~~(7)(6) School budget priorities, including school capital improvement plans;~~

~~(8)(7) School-community communication strategies;~~

~~(9)(8) Methods of reporting to involving parents and communities other than through the school profile the community;~~

~~(10)(9) Extracurricular activities in the school;~~

~~(11)(10) School-based and community services;~~

~~(12)(11) Community use of school facilities;~~

~~(13)(12) Recommendations concerning school board policies~~ Student discipline and attendance;

~~(14)(13) Receiving and reviewing reports~~ Reports from the school principal regarding progress toward the school's student achievement goals, including progress within specific grade levels and subject areas and by school personnel; and

~~(15)(14) The method and specifications for the delivery of early intervention services or other~~ appropriate services for underachieving students.

(t) The role of the school council in the principal selection process shall be determined in policy written by the local board of education."

SECTION 2.

Said title is further amended in Code Section 20-2-142, relating to prescribed courses, by striking subsection (a) and inserting in lieu thereof the following:

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

(A) A course of study in the background, history, and development of the federal and state governments. ~~The course in the study of federal and state governments shall be supplemented in each high school by~~ and a study of the local Georgia county and municipal governments; and
 (B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals.

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

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

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year in which such course or courses are ordinarily offered. The State Board of Education is authorized to provide for exemptions to the required course of study for such students and for students whose parent or parents serve in the armed forces of the United States."

SECTION 3.

Said title is further amended by striking Code Section 20-2-153, relating to early intervention programs, and inserting in its place a new Code Section 20-2-153 to read as follows:

"20-2-153.

(a) The State Board of Education shall create and each local board of education shall provide an early intervention program to serve students in kindergarten through grade five. The kindergarten early intervention program shall serve students enrolled in kindergarten. The

primary grades early intervention program shall serve students enrolled in grades one through three. The upper elementary grades early intervention program shall serve students in grades four through five.

(b) The early intervention program shall serve students who are at risk of not reaching or maintaining academic grade level, including but not limited to students who are identified through the first grade readiness assessment required by Code Sections 20-2-151 and 20-2-281 and students with identified academic performance below grade levels defined by the Office of Education Accountability Student Achievement in Code Section 20-14-31 for any criterion-referenced assessment administered in accordance with Code Section 20-2-281 for grades one through five. Local school systems shall devise a process for the identification of such students at the beginning of each school year and also during the school year as a continuous process of early identification and monitoring. School systems may use indicators such as but not limited to the student's scores on previous assessments, the student's classroom performance in the same or previous years, and other reliable indicators to identify such students. A student shall be assigned to the early intervention program as soon as is practicable after the student is identified as at risk or after the results of the first-grade readiness assessment, ~~or the criterion-referenced assessment,~~ or other indicators are known. The school shall provide timely notice and an opportunity for a conference with the student and his or her parents or guardians to discuss the student's academic performance and the role of the early intervention program.

(c) The State Board of Education shall describe by rules and regulations such additional services, resources, support, or strategies as may be provided by the local school system. The specifications for delivery of early intervention services shall be the responsibility of local boards of education except that the program rules and regulations adopted by the State Board of Education shall be followed in designing the program delivery models. Delivery models may include, but are not limited to, class augmentation, pull-out or self-contained classes, and the Reading Recovery Program delivered by certificated personnel.

(d) The early intervention program shall be designed with the intent of helping the student to perform at expectations and exit the program in the shortest possible time. Students shall be moved into this program, provided assistance, and moved out of this program upon reaching grade level performance. It is not the intent of the General Assembly that students be assigned to this program on a continuing or permanent basis. ~~In developing accountability standards for schools, the Office of Education Accountability shall consider the length of time that students spend in the early intervention program as one of the determinants of performing and nonperforming schools.~~

(e) Funding for the early intervention program shall have a full-time equivalent teacher-student ratio of one teacher to 11 students.

(f) Each local school system shall annually report the number of students served in the early intervention program as part of the full-time equivalent program count conducted pursuant to Code Section 20-2-160."

SECTION 4.

Said title is further amended by striking Code Section 20-2-167.1, relating to the application of Code Section 20-2-167 for the 2003-2004 school year, and inserting in lieu thereof the following:

"20-2-167.1.

(a) For the purposes of the 2003-2004 and 2004-2005 school year years only, the following changes to Code Section 20-2-167 shall apply:

(1) Except as otherwise provided in paragraph (2) of this subsection, for each program identified in Code Section 20-2-161, each local school system shall spend 100 percent of funds designated for direct instructional costs on the direct instructional costs of such program on one or more of the programs identified in Code Section 20-2-161 at the system level, with no requirement that the school system spend any specific portion of such funds at the site where such funds were earned-;

(2) Direct instruction funds for the kindergarten early intervention program, the primary grades early intervention program, the upper elementary grades early intervention program, the remedial education program, and the alternative education program shall be expended on one or more of these programs at the system level, with no requirement that the school system spend any specific portion of such funds at the site where such funds were earned-;

(3) Each local school system shall spend 100 percent of the funds designated for media center costs for such costs at the system level, and 100 percent of the funds designated for media materials ~~for media materials~~ at the system level-;

(4) During the 2003-2004 school year, funds Funds allocated for staff development may be spent for any program approved under the 'Quality Basic Education Act.' During the 2004-2005 school year, each school system shall spend 90 percent of funds allocated for professional development for such costs at the system level; and

(5) Each local school system shall report to the Department of Education its budgets and expenditures in accordance with this Code section with expenditures based in the preceding school year for each school site as a part of its report in October for the FTE count and on March 15.

(b) Except as otherwise provided by subsection (a) of this Code section, Code Section 20-2-167 shall apply during the 2003-2004 and 2004-2005 school year years.

(c) No penalty shall apply for failure to comply with expenditure controls set out in Code Section 20-2-167 that are contrary to this Code section, notwithstanding any law to the contrary, as long as the local school system complies with this Code section.

(d) Nothing in this Code section shall be construed to repeal any other provision of Code Section 20-2-167 or this chapter, or to apply to any time period other than the two fiscal year years beginning July 1, 2003, and ending June 30, ~~2004~~ 2005.

(e) This Code section shall be automatically repealed July 1, ~~2004~~ 2005."

SECTION 5.

Said title is further amended in Code Section 20-2-182, relating to program weights, maximum class sizes, reporting requirements, and the 2003-2004 school year, by striking subsections (i) and (k) and inserting in lieu thereof the following:

"(i) The State Board of Education shall adopt for each instructional program authorized pursuant to Part 3 of this article and the middle school program provided for in Code Section 20-2-290 the maximum number of students which may be taught by a teacher in an instructional period. Such maximum class sizes shall be equal to or greater than the teacher-student ratios used in the calculation of the program weights as set forth in subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by more than 20 percent, unless specifically authorized by the State Board of Education; provided, however, that in no case shall the 20 percent maximum be exceeded for mathematics, science, social studies, or English classes; provided, further, that the maximum class size for kindergarten and grades one through three shall not exceed 20 percent over the funding ratio except for art, music, or physical education classes; provided, further, that the maximum class size for special education, gifted, and English for speakers of other languages classes shall be set by the State Board of Education. For a period not to exceed four years, beginning with the 2000-2001 school year, local school systems shall be allowed to exceed the maximum class sizes set forth in this subsection in a manner consistent with State Board of Education rules. The State Board of Education shall lower the current maximum class sizes set by state board rules in effect for the 1999-2000 school year, beginning with the 2000-2001 school year, by a proportional amount each school year so that, beginning with the 2003-2004 school year, State Board of Education rules are in compliance with this subsection except as otherwise provided in subsection (k) of this Code section for the 2003-2004 and 2004-2005 school year years only. An aide may be used in programs to increase class size as allowed by State Board of Education rule, except that an aide shall not be used to increase the maximum class size in kindergarten or grades one through three, except as otherwise provided in subsection (k) of this Code section for the 2003-2004 and 2004-2005 school year years only. The maximum class size for the kindergarten and primary grades programs is defined as the number of students in a physical classroom. Maximum class sizes that result in a fractional full-time equivalent shall be rounded up to the nearest whole number as needed. The middle school program shall use the teacher-student ratio of the middle grades program for the purpose of this subsection. The number of students taught by a teacher at any time after the first 15 school days of a school year may not exceed the maximum such number unless authorization for a specific larger number is requested of the state board, along with the educational justification for granting the requested exemption, and the state board has approved said request. The state board shall not reduce class sizes without the authorization of the General Assembly if this reduction necessitates added costs for facilities, personnel, and other program needs. Local boards of education may reduce class sizes, build additional facilities, and provide other resources at local cost if such actions

are in the best interest of the local school systems' programs as determined by the local boards of education."

"(k) For the 2003-2004 and 2004-2005 school year years, the maximum class sizes set by the State Board of Education for the 2002-2003 school year shall apply for grades four through 12. For the 2003-2004 and 2004-2005 school year years, the maximum class sizes set by the State Board of Education for the 2003-2004 school year shall apply to kindergarten and grades one through three, except that a kindergarten class may be increased to 20 students if a paraprofessional is present in addition to the certificated teacher. For the 2003-2004 and 2004-2005 school year years, compliance with maximum class size requirements shall be determined by the system average for kindergarten and for each grade and no class shall exceed the applicable maximum size by more than two students. Except as otherwise provided in this subsection, other provisions of this Code section shall apply. This subsection shall not be construed to repeal any other provision of this Code section or this chapter, or to apply to any period of time other than the two fiscal year years beginning July 1, 2003, and ending June 30, ~~2004~~ 2005. This subsection shall be automatically repealed July 1, ~~2004~~ 2005."

SECTION 6.

Said title is further amended by inserting the following:

"20-2-244.

(a) The State Board of Education is authorized to waive specifically identified state rules, regulations, policies, and procedures, or provisions of this chapter, upon the request of a local school board and in accordance with this Code section. The goal for each waiver shall be improvement of student performance.

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

(c) The provisions of this Code section shall not apply to charter schools.

(d) The board shall require a written application for a waiver that shall include, as a minimum:

- (1) Identification of the specific state rules, regulations, policies, and procedures, or provisions of this chapter that are requested for waiver;
- (2) A description of the policies and procedures the school or school system shall substitute for the waived state rules, regulations, policies, and procedures, or provisions;
- (3) A description of how the proposed waiver will improve student performance;

- (4) A description of the students who will be affected by the proposed waiver, including their estimated number, current performance, grade level, and any common demographic traits;
- (5) A list of schools by name that will be affected by the proposed waiver, and a description of each school, including current performance, grade levels, and demographic traits of the students of each such school;
- (6) Methods for collection of data, and for measuring and evaluating any change in student performance resulting from the proposed waiver;
- (7) The period of time for which the proposed waiver is requested and the proposed starting date; and
- (8) A resolution from the local school board approving the waiver request.
- (e) The State Board of Education may grant or deny a waiver request, or grant a waiver request subject to specified modifications in the waiver request.
- (f) A waiver may be granted in accordance with this Code section for any period of time not to exceed five years. The State Board of Education shall require reports regarding the effect of the waiver at least annually, and may require more frequent reports if necessary to monitor the effect of the waiver effectively. The State Board of Education shall report annually to the General Assembly regarding the waivers granted, the effect of each waiver, and any recommendations for legislative changes generated by successful waivers."

SECTION 7.

Said title is further amended by striking subsections (e) through (o) of Code Section 20-2-281, relating to effectiveness assessment, and inserting in lieu thereof the following:

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

(f) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, the student's Individualized Education Program team shall determine appropriate participation in assessments and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act.

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

(h) The State Board of Education, through the Department of Education, shall administer the end-of-course assessments for core subject areas as defined by state board policy. The state board shall promulgate a schedule for the development and administration of all end-of-course tests by December 1, 2000.

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

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

(2) The State Board of Education shall adopt rules ~~regarding course exit requirements in regard to the implemented and regulations requiring the results of~~ core subject end-of-course assessments before discontinuing the high school graduation test to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given.

~~(3) Local boards of education shall have the option of allowing scores on end-of-course assessments to be counted as part of a student's grade in the course.~~

~~(j)(k)~~(1) In addition to the assessment instruments adopted by the State Board of Education and administered by the Department of Education, a local school system may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Such locally adopted assessment instruments may not replace the state's adopted assessment instruments for purposes of state accountability programs, except as otherwise provided in paragraph (2) of this subsection. A local school system shall be responsible for all costs and expenses incurred for locally adopted assessment instruments. Students with Individualized Education Programs must be included in the locally adopted assessments or provided an alternate assessment in accordance with the federal Individuals with Disabilities Education Act.

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

~~(k)(l)~~(1) In adopting academic skills assessment instruments under this Code section, the State Board of Education or local school system shall ensure the security of the instruments in their preparation, administration, and scoring. Notwithstanding any other provision of law, meetings or portions of meetings held by the state board or a local board of education at which individual

assessment instruments or assessment instrument items are discussed or adopted shall not be open to the public, and the assessment instruments or assessment instrument items shall be confidential.

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

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

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

~~(o)~~(p) Teachers in grades one through 12 shall be offered the opportunity to participate annually in a staff development program on the use of tests within the instructional program designed to improve students' academic achievement. This program shall instruct teachers on curriculum alignment related to tests, disaggregated student test data to identify student academic weaknesses by subtests, and other appropriate applications as determined by the State Board of Education."

SECTION 7A.

Said title is further amended by inserting a new Code Section 20-2-285.1 to read as follows:
"20-2-285.1.

(a) This Code section will apply to students tested with the third grade criterion-referenced reading assessment in the 2003-2004 school year only.

(b) All provisions of Code Sections 20-2-283, 20-2-284, and 20-2-285 shall apply. Local school systems are authorized to place students that fail the third grade criterion-referenced reading assessment in a transition class, provide extended third grade EIP for such students, or to use both a transition class and extended third grade EIP for such students, in addition to other methods of instruction. In addition, the State Board of Education shall contract with one or more faculty members or associates of the Georgia State University Andrew Young School of Public Policy or other independent experts having similar qualifications for the performance of a study of all third grade students who fail the first criterion-referenced reading assessment in the 2003-2004 school year. Such study shall compile data for each such student, including but not limited to: identification of the student's school and school system; information regarding the type, frequency, and provider of the accelerated, differentiated, or additional instruction provided to the student, disaggregated by the time period before and the time period after the second assessment; information regarding the funding source for such instruction and

an explanation if such instruction is not received by the student; information regarding the assessment instrument used to retest the student, the date of the second assessment, and the student's performance on such second assessment; information as to whether the student was promoted or retained; information regarding the student's performance on the criterion-referenced reading assessment in the 2004-2005 school year, and information relating to the student relative to the categories for disaggregation authorized or adopted in accordance with this chapter. The department shall supply aggregate data to the Governor and members of the Senate Education Committee and House Committee on Education on the number of students who failed the first assessment within 30 days after the department receives the test scores and aggregate data on the number of students failing the second assessment 45 days thereafter. The completed study and any part of the study provided to any person not employed by the Department of Education or a local school system shall not reveal the identity of any student. The persons conducting the study shall regard all data identifying individual students as confidential and shall guard the privacy of all students. No person shall reveal information relating to an individual student that identifies such student to anyone except employees of the department or the local school system attended by the student, the student, or the student's parent or guardian. The study shall be provided to the Governor and the members of the Senate Education Committee and House Committee on Education as soon as feasible, and the compilation of data on the students' performance on the reading assessment in the 2004-2005 school year may be provided separately. The completed study shall be subject to the provisions of Article 4 of Chapter 18 of Title 50 relating to the inspecting of public records."

SECTION 7B.

Said title is further amended in Code Section 20-2-290, relating to organization of schools, by striking subsections (b), (c), and (d) and inserting in lieu thereof the following:

"(b) Beginning with the 2001-2002 school year, Except as otherwise provided in subsection (c) of this Code section, local boards of education shall schedule each middle school so as to provide the following:

- (1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe. For students not performing on grade level, as defined by the Office of Education Accountability, the minimum of five hours shall include such remedial academic instruction in English and language arts, reading, mathematics, science, or social studies as required to bring such students to grade level performance with the priority for such remediation being placed on reading and mathematics or as otherwise determined by the student's team of academic teachers; provided that, in making such a determination the team shall consider the student's performance on the criterion-referenced assessments authorized in Code Section 20-2-181;
- (2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to

successful implementation of this system. No student shall be identifiable by name in that portion of the pre-kindergarten through grade 12 record stored at the state level, and any identification number shall be encoded to prevent unauthorized use of a student's information; provided, however, that full-time equivalent student data collected pursuant to Code Section 20-2-160 shall be identifiable for audit purposes in separate files. The state-wide comprehensive educational information system shall not use a student's social security number or an employee's social security number in violation of state or federal law to identify a student or employee. The steering committee shall present such recommendations to the Education Coordinating Council. Upon approval of the boards of the respective education agencies, the steering committee shall issue appropriate requests for proposals to implement a state-wide comprehensive educational information system, subject to appropriation by the General Assembly. The State Data and Research Center, at the direction of the Education Coordinating Council and working through the steering committee, shall initiate contracts with appropriate vendors and local units of administration for the procurement of services, purchase of hardware and software, and for any other purpose as directed by the Education Coordinating Council, consistent with appropriation by the General Assembly."

"(c) For the purpose of this article, authorized educational agencies shall be the Department of Education; the Office of School Readiness; the Board of Regents of the University System of Georgia; the Department of Technical and Adult Education; the Education Coordinating Council; the Professional Standards Commission; the State Data and Research Center and units under contract to the State Data and Research Center; the Office of ~~Education Accountability~~ Student Achievement; the education policy and research components of the office of the Governor; the Office of Planning and Budget; the Legislative Budget Office; the House Research Office; and the Senate Research Office. Any information collected over the state-wide comprehensive educational information system, including individual student records and individual personnel records, shall be accessible by authorized educational agencies, provided that any information which is planned for collection over the system but which is temporarily being collected by other means shall also be accessible by authorized educational agencies and provided, further, that adequate security provisions are employed to protect the privacy of individuals. All data maintained for this system shall be used for educational purposes only. In no case shall information be released by an authorized educational agency which would violate the privacy rights of any individual student or employee. Information released by an authorized educational agency in violation of the privacy rights of any individual student or employee shall subject the authorized educational agency to all penalties under applicable state and federal law. Any information collected over the state-wide comprehensive educational information system which is not stored in an individual student or personnel record format shall be made available to the Governor and the House and Senate Appropriations, Education, and Higher Education committees, except information otherwise prohibited by statute. Data which are included in an individual student record or individual personnel record format shall be

extracted from such records and made available in nonindividual record format for use by the Governor, committees of the General Assembly, and agencies other than authorized educational agencies."

SECTION 9.

Said title is further amended by inserting a new Code section to be designated Code Section 20-2-323 to read as follows:

"20-2-323.

By January 1, 2005, each local board of education shall establish written policies allowing or prohibiting unstructured break time for students in kindergarten and grades one through eight. If the policies allow one or more breaks, the policies shall include but shall not be limited to the following matters:

- (1) The school personnel who will be authorized to decide the length, frequency, timing, and location of breaks;
 - (2) Whether breaks can be withheld from students for disciplinary or academic reasons and, if breaks can be withheld, under what conditions;
 - (3) How to ensure break time is a safe experience for students, including the responsibility for supervision of students; and
 - (4) How to ensure that break time is scheduled so as to provide a support for academic learning.
- Local boards shall provide a copy of such policies to the State Board of Education."

SECTION 10.

Said title is further amended by striking subsection (b) of Code Section 20-2-690.1, relating to mandatory education for children, and inserting in lieu thereof the following:

"(b) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed not less than \$25.00 and not greater than \$100.00, ~~or~~ imprisonment not to exceed 30 days, community service, or both any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt

of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, to such parent, guardian, other person who has control or charge of a child, or children. Public schools shall retain signed copies of statements through the end of the school year."

SECTION 11.

Said title is further amended by inserting a new Code section to be designated Code Section 20-2-690.2 to read as follows:

"20-2-690.2.

(a) The chief judge of the superior court of each county shall establish a student attendance protocol committee for its county. The purpose of the committee shall be to ensure coordination and cooperation among officials, agencies, and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, and to increase the percentage of students present to take tests which are required to be administered under the laws of this state. The chief judge is responsible for ensuring that all members of the committee are notified of their responsibility to the committee and shall call the first meeting of the committee in each county. The committee shall elect a chairperson and may elect other officers.

(b) Each local board of education shall participate in, consider, and make publicly available, including but not limited to posting in a conspicuous location, its decision regarding the recommendations of the committee as provided in this Code section. Independent school systems may participate in the committee in the county where the system is located. Independent school systems whose geographic area encompasses more than one county may select one of such counties in which to participate. An independent school system that elects not to participate in the committee of the county where it is located shall request that the chief judge of the superior court of a county encompassed by its geographic area to establish an independent student attendance protocol committee in the same manner as established for the county school system.

(c) Each of the following agencies, officials, or programs shall designate a representative to serve on the committee:

- (1) The chief judge of the superior court;
- (2) The juvenile court judge or judges of the county;
- (3) The district attorney for the county;
- (4) The solicitor-general of state court, if the county has a state court;
- (5) The Department of Juvenile Justice, which may include representatives from area youth detention centers or regional youth detention centers;
- (6) The superintendent, a certificated school employee, and a local school board member from each public school system in the county and a certificated school social worker from each

public school system, if any are employed by the school system;

(7) The sheriff of the county;

(8) The chief of police of the county police department;

(9) The chief of police of each municipal police department in the county;

(10) The county department of family and children services;

(11) The county board of health;

(12) The county mental health organization;

(13) The county Family Connection commission, board, or authority, or other county agency, board, authority, or commission having the duty and authority to study problems of families, children, and youth and provide services to families, children, and youth; and

(14) The court approved community based risk reduction program established by the juvenile court in accordance with Code Section 15-11-10, if such a program has been established.

(d) The committee thus established may appoint such additional members as necessary and proper to accomplish the purposes of the committee.

(e) Each committee shall, by June 1, 2005, adopt a written student attendance protocol for its county school system and for each independent school system within its geographic boundaries which shall be filed with the Department of Education. The protocol shall outline in detail the procedures to be used in identifying, reporting, investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1, relating to mandatory school attendance. The protocol shall outline in detail methods for determining the causes of failing to comply with compulsory attendance and appropriately addressing the issue with children and their parents or guardians. The protocol shall also include recommendations for policies relating to tardiness. The Department of Education shall provide model school attendance protocols, if requested by the committee.

(f) A copy of the protocol shall be furnished to each agency, official, or program within the county that has any responsibility in assisting children and their parents or guardians in complying with Code Section 20-2-690.1.

(g) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for unruly children and possible denial or suspension of a driver's license for a child in accordance with Code Section 40-5-22.

(h) The committee shall continue in existence after writing the student attendance protocol. The chief judge of the superior court of each county shall ensure that the committee meets at least quarterly during the first year, and twice annually thereafter, to evaluate compliance with the protocol, effectiveness of the protocol, and appropriate modifications.

(i) Each local board of education shall report student attendance rates to the committee and the State Board of Education at the end of each school year, according to a schedule established by

No local school system, whether county, independent, or area, shall have a policy of denying, or which effectively prevents, the parents of students who are in attendance at or who have been enrolled in any facility within such system the right to inspect and review the education records of their children child. A parent shall be entitled to inspect and review only information relating to his or her own child and if any material or document in a child's record includes information on another student, such information regarding any other student shall not be made available for inspection or review except to the parents of that student. Both parents of a child shall be entitled to inspect and review the ~~educational~~ education records of their child or to be provided information concerning their child's progress. Information concerning a child's education record shall not be withheld from the noncustodial parent unless a court order has specifically removed the right of the noncustodial parent to such information or unless parental rights have been terminated. For purposes of this Code section, 'education records' shall include attendance reports and records."

SECTION 12.

Said title is further amended by striking subsection (b) of Code Section 20-2-738, relating to authority of teacher over classroom, procedures following removal of student from classroom, and placement review committees, and inserting in lieu thereof the following:

"(b) ~~On and after July 1, 2000,~~ a A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support the authority of every teacher in his or her school to remove a student from the classroom under this Code section. Each school principal shall implement the policies and procedures of the superintendent and local board of education relating to the authority of every teacher to remove a student from the classroom and shall disseminate such policies and procedures to faculty, staff, and parents or guardians of students. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee."

SECTION 13.

Said title is further amended by striking Code Section 20-2-751.2, relating to students subject to disciplinary orders of other school systems, and inserting in lieu thereof the following:

"20-2-751.2.

(a) As used in this Code section, the term 'disciplinary order' means any order of a local school system in this state, a private school in this state, or a public school outside of this state which imposes short-term suspension, long-term suspension, or expulsion upon a student in such system or school.

(b) A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject to a disciplinary order ~~of any other school system~~ is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension, or expulsion for any time remaining in that other school system's or school's disciplinary order upon receiving a certified copy of such order if the offense which led to such suspension or expulsion in the other school system or school was an offense for which suspension or expulsion could be imposed in the enrolling school.

(c) A local school system or school may request of another school system or school whether any disciplinary order has been imposed by the other school system or school upon a student who is seeking to enroll or is enrolled in the requesting system or school. If such an order has been imposed and is still in effect for such student, the requested school system or private school in this state shall so inform the requesting system or school and shall provide a certified copy of the order to the requesting system or school.

(d) If any school administrator determines from the information obtained pursuant to this Code section or from Code Section 15-11-28 or 15-11-80 that a student has been convicted of or has been adjudicated to have committed an offense which is a designated felony act under Code Section 15-11-63, such administrator shall so inform all teachers to whom the student is assigned and other school personnel to whom the student is assigned. Such teachers and other certificated professional personnel as the administrator deems appropriate may review the information in the student's file provided pursuant to this Code section that has been received from other schools or from the juvenile courts or superior courts. Such information shall be kept confidential."

SECTION 14.

Said title is further amended by striking Code Section 20-2-751.5, relating to student codes of conduct, and inserting in lieu thereof the following:

"20-2-751.5.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, ~~and~~ at school related functions, and on the school bus, in a manner that is appropriate to the age of the student:

- (1) Verbal assault, including threatened violence, of teachers, administrators, and other school personnel;
- (2) Physical assault or battery of teachers, administrators, and other school personnel;
- (3) Disrespectful conduct toward teachers, administrators, and other school personnel, including use of vulgar or profane language;

- (4) Verbal assault of other students, including threatened violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
- (5) Physical assault or battery of other students, including sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
- (6) Disrespectful conduct toward other students, including use of vulgar or profane language;
and
- (7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including use of vulgar or profane language, toward persons attending school related functions-;
- (8) Failure to comply with compulsory attendance as required under Code Section 20-2-690.1;
- (9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
- (10) Inciting, advising, or counseling of others to engage in prohibited acts;
- (11) Marking, defacing, or destroying school property;
- (12) Possession of a weapon, as provided for in Code Section 16-11-127.1;
- (13) Unlawful use or possession of illegal drugs or alcohol;
- (14) Willful and persistent violation of the student code of conduct;
- (15) Bullying as defined by Code Section 20-2-751.4; and
- (16) Marking, defacing, or destroying the property of another student.

With regard to paragraphs (9) and (11) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

(b)(1) In addition to the requirements contained in subsection (a) of this Code section, each ~~Each~~ student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:

(A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;

(B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and

(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

(2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section.

If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be not limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

(3) No later than August 15, 2002, each local board of education shall send to the State Board of Education a copy of the provisions of its student code of conduct that address the items identified in paragraphs (1) and (2) of this subsection. The state board shall review such provisions to ensure that each of the items identified in paragraphs (1) and (2) of this subsection is addressed and shall notify a local board of education, no later than October 15, 2002, of any items which are not addressed in its submission to the state board. Nothing in this subsection shall be construed as authorizing or requiring the state board to review or approve the substance of the student code of conduct.

(c) Each student code of conduct shall also contain provisions that address any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

~~(e)~~(e) Any student handbook which is prepared by a local board or school shall include a copy or summary of the student code of conduct for that school or be accompanied by a copy of the student code of conduct for that school. If a student handbook contains a summary of the student code of conduct, then a full copy of the student code of conduct shall be made available for review at the school. When distributing a student code of conduct, a local school shall include a form on which the student's parent or guardian may acknowledge his or her receipt of the code, and the local school shall request that the form be signed and returned to the school."

SECTION 15.

Said title is further amended by striking Code Section 20-2-751.6, relating to suspension policy for students committing acts of physical violence resulting in injury to teachers, and inserting in lieu thereof the following:

"20-2-751.6.

(a) As used in this Code section, the term 'physical violence' means:

(1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

(2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a disciplinary hearing officer, panel, or tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. ~~The local board shall appoint a~~ Such disciplinary hearing officer, panel, or tribunal ~~to~~ shall hold a any disciplinary hearing ~~pursuant to~~ in accordance with the provisions of Code Section 20-2-754 ~~regarding the alleged act of physical violence and penalty.~~ Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel, or tribunal. ~~The tribunal shall be composed of three teachers or certificated education personnel, appointed by the local school board.~~ The decision of the disciplinary hearing officer, panel, or tribunal shall determine all issues of fact and intent and shall submit its findings and recommendations may be appealed to the local school board pursuant to Code Section 20-2-754 ~~for imposition of punishment in accordance with this Code section.~~ If appropriate under paragraph (1) of subsection (c) of this Code section, the ~~tribunal's recommendations~~ decision of the disciplinary hearing officer, panel, or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may ~~follow the recommendations of the tribunal or~~ impose penalties not recommended by the disciplinary hearing officer, panel, or tribunal.

(c)(1) A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

- (2) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee as defined in paragraph (2) of subsection (a) of this Code section shall be referred to juvenile court with a request for a petition alleging delinquent behavior; and
- (3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.
- (d) The provisions of this Code section shall apply with respect to any local school system which receives state funding pursuant to Code Sections 20-2-161 and 20-2-260.
- (e) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990."

SECTION 16.

Said title is further amended by striking Code Section 20-2-753, relating to disciplinary hearings held by a disciplinary hearing officer, panel, or tribunal, and inserting in lieu thereof the following:

"20-2-753.

(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a disciplinary hearing following any instance of an alleged violation of the student code of conduct where the principal recommends a suspension or expulsion of longer than ten school days or an alleged assault or battery by a student upon any teacher or other school official or employee, if such teacher or other school official or employee so requests.:

~~(1) An alleged assault or battery by a student upon any teacher, other school official, or employee;~~

~~(2) An alleged assault or battery by a student upon another student, if, in the discretion of the school principal, the alleged assault or battery could justify the expulsion or long-term suspension of the student; or~~

~~(3) Substantial damage alleged to be intentionally caused by a student on school premises to personal property belonging to a teacher, other school official, employee, or student, if, in the discretion of the school principal, the alleged damage could justify the expulsion or long-term suspension of the student.~~

~~(b) The board of education shall by appropriate rule, regulation, or resolution require that when any instance specified in subsection (a) of this Code section occurs, the teacher, other school official, employee, or student who is subjected to the assault, battery, or damage shall file a complaint with the school administration and with the local board of education.~~

(b) Nothing in this Code section shall be construed to infringe on any right provided to students

with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990."

SECTION 17.

Said title is further amended by striking subsections (b) and (c) of Code Section 20-2-754, relating to procedures to be followed by disciplinary hearing officers, panels, or tribunals, and inserting in lieu thereof the following:

"(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

(1) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted; and a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(2) The hearing is held no later than ten school days after the beginning of the suspension unless the school system and parents or guardians mutually agree to an extension;

~~(2)(3)~~ All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved; ~~and~~

(4) Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing; and

~~(3)(5)~~ A verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

(c) If appointed to review an instance ~~specified in~~ pursuant to Code Section 20-2-753, the disciplinary officer, panel, or tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing. The decision shall be in writing and shall be given to all parties within ten days of the close of the record. Any decision by such disciplinary officer, panel, or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such officer, panel, or tribunal may be suspended by the school superintendent pending the outcome of the appeal."

SECTION 18.

Said title is further amended by striking Code Section 20-2-759, relating to children in kindergarten through grade five, and inserting in lieu thereof the following:

"20-2-759.

~~(a) Except as otherwise expressly provided in this subpart, this subpart shall not apply to children in kindergarten through elementary grade five.~~

~~(b) The local school superintendent shall determine the disciplinary actions or proceedings for~~

children exempt from this subpart under subsection (a) of this Code section Reserved."

SECTION 19.

Said title is further amended by striking Code Section 20-2-2061, relating to legislative intent regarding charter schools, and inserting in its place a new Code Section 20-2-2061 to read as follows:

"20-2-2061.

It is the intent of the General Assembly to provide a means whereby a petitioner may seek a performance based contract called a charter, which ties improved performance to the waiver of specifically identified state and local rules, regulations, policies, procedures, and identified provisions of this title other than the provisions of this article. In addition to specifically identified provisions of this title, a charter school shall be exempt from provisions listed in Code Section 20-2-2063.1."

SECTION 19A.

Said title is further amended by inserting a new Code Section 20-2-2063.1 to read as follows:

"20-2-2063.1.

In addition to specifically identified state and local rules, regulations, policies, procedures, and provisions of Title 20, each charter school shall be exempt from Articles 1, 2, 3, 4A, 5, 7, 8, 9, 10, 11, 14, 20, and 22 of Chapter 2 of Title 20 unless otherwise specified in the charter petition. Each charter school shall also be exempt from those state and local rules, regulations, policies, and procedures that do not relate to the operation of a local school."

SECTION 19B.

Said title is further amended by striking subsections (a) and (b) of Code Section 20-2-2064, relating to approval or denial of a charter petition, and inserting in lieu thereof the following:

"(a) A charter petitioner seeking to create a conversion charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located.

The local board must by a majority vote approve or deny a petition no later than 60 days after its submission unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial; and provided, further, that the local board shall not act upon a petition for a conversion charter school until such petition:

- (1) Has been freely agreed to, by secret ballot, by a majority of the faculty and instructional staff members of the petitioning local school at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval; and
- (2) Has been freely agreed to, by secret ballot, by a majority of parents or guardians of students enrolled in the petitioning local school present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for

its approval.

(b) A charter petitioner seeking to create a start-up charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than 60 days after its submission unless the petitioner requests an extension. A denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial."

SECTION 19C.

Said title is further amended by inserting a new Code Section 20-2-2068.2 to read as follows:
"20-2-2068.2.

(a) From moneys specifically appropriated for such purpose, the state board shall create a facilities fund for local charter schools and state chartered special schools for the purpose of establishing a per pupil, need based facilities aid program.

(b) A charter school may receive moneys from the facilities fund if the charter school has received final approval from the local board or from the state board for operation during that fiscal year.

(c) A charter school's governing body may use moneys from the facilities fund for the following purposes:

- (1) Purchase of real property;
- (2) Construction of school facilities;
- (3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;
- (4) Purchase of vehicles to transport students to and from the charter school; and
- (5) Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer.

(d) The Department of Education shall specify procedures for submitting and approving requests for funding under this Code section and for documenting expenditures.

(e) Local boards are required to renovate, repair, and maintain the school facilities of charter schools in the district to the same extent as other public schools in the district if the local board owns the charter school facility.

(f)(1) Prior to releasing moneys from the facilities fund, the Department of Education shall ensure that the governing board of the local charter school and the local board shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the local board in the event the local charter school terminates operations.

(2) Prior to releasing moneys from the facilities fund, the Department of Education shall ensure that the governing board of the state chartered special school and the state board shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the state board in the event the state chartered special school terminates operations.

(g) The reversion of property in accordance with subsection (f) of this Code section is subject to the complete satisfaction of all lawful liens or encumbrances.

(h) Each local board of education that has designated any facility or property as surplus, intended for disposal, or otherwise unused shall make such facility or property available for lease or purchase by a local charter school on the same basis as it makes such facility or property available to other public schools under the control and management of the local board of education. A conversion charter school may not be charged a rental or leasing fee for the existing facility or for property normally used by the public school which became the conversion charter school. A local charter school that receives property from a local board may not sell or dispose of such property without the written permission of the local board."

SECTION 20.

Said title is further amended by striking subsection (a) of Code Section 20-14-26, relating to powers and duties of the Office of Education Accountability, and inserting in lieu thereof the following:

"(a) The office shall have the following powers and duties:

(1) To develop accountability systems with components that include but are not limited to expectations of student achievement, measurement of student achievement, data bases of such measurements, analysis of such data for trends in achievement, interventions, awards, the intended and efficient expenditure of allotted education funds, and public awareness of all such components; To create, with the approval of the State Board of Education, a performance-based accountability system, establish indicators of performance, rate schools and school systems, develop annual report cards for elementary, middle, and secondary schools, and formulate a system of school rewards and interventions. The State Board of Education shall approve no later than December 31, 2004, a single state-wide accountability system for local schools and school systems that incorporates federal law, rules, and regulations relating to accountability;

~~(2) To create, develop, and recommend to the departments, boards, and offices represented on the council such additions, deletions, changes, or other modifications that will improve accountability systems that exist or may be created within or among the departments, boards, and offices represented on the council;~~

~~(3)~~(2) To audit and inspect or cause to be audited or inspected for the purpose of verification, research, analysis, reporting, or for other purposes related to the performance of its powers and duties as provided in this article and for the purposes of auditing pre-kindergarten, elementary, middle grades, and secondary education, postsecondary education, and education work force programs and schools, local school systems, institutes, colleges, universities, regional educational service agencies, and other public education programs and entities as defined by the council;

~~(4)~~(3) To assist the council in the development of a state-wide education student information system;

(5)(4) To serve as staff to the council; and

~~(6)(5)~~ To exercise the powers and discharge duties of the council, as set forth in Code Section 20-14-8, under the supervision and oversight of the council."

SECTION 21.

Said title is further amended by striking Part 3 of Article 2 of Chapter 14, relating to accountability assessment, and inserting in its place the following:

"Part 3

20-14-30.

The office shall create and implement, ~~with the approval of the council,~~ a state-wide grades kindergarten through grade 12 accountability assessment program that is performance based to ensure school accountability for the goals of improved student achievement and improved school completion.

20-14-31.

Except as otherwise provided in this article, the office shall establish the ~~level~~ levels of performance ~~considered to be satisfactory~~ on each assessment instrument administered under Code Section 20-2-281 by establishing the standard that should be achieved by students in each subject area at each grade level. Data and information regarding the establishment of the standard shall be included in the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.

20-14-32.

The office's state education accountability analysis and reporting program shall obtain nationally comparative results and benchmarks for the subject areas and grade levels for which criterion-referenced and nationally normed reference assessment instruments are adopted, compare Georgia results to such results, and include the findings in the ~~reports~~ report required of the office in paragraph (2) of subsection (a) of Code Section 20-14-27.

20-14-33.

(a) The office shall adopt and biennially review, and revise as necessary, indicators of the quality of learning by students in an individual school.

(b) The performance indicators of student achievement and school performance must be based on information that is disaggregated with respect to ethnicity, sex, disability, language proficiency, and socioeconomic status and must include:

- (1) The results of assessment instruments required under Code Section 20-2-281, aggregated by grade level and subject area;
- (2) Dropout rates for each school;
- (3) Student attendance rates for each school;

- (4) School completion rates for each school;
- (5) The percentage of graduating students who attain scores on the Georgia high school graduation test required under Code Section 20-2-281 that are equivalent to a passing score on the test instrument until such time as the Georgia high school graduation test is discontinued as provided in Code Section 20-2-281;
- (6) The percentage of graduating students who meet the course requirements established for the recommended high school program by State Board of Education rule;
- (7) The percentage of students taking end-of-course assessment instruments under Code Section 20-2-281;
- (8) The percentage of high school students who pass the end-of-course assessment instrument in core subjects;
- (9) The results of the Scholastic Assessment Test or the ACT Assessment;
- (10) The percentage of students taking alternate assessments under subsection (d) of Code Section 20-2-281;
- (11) The average time that a student placed in an early intervention program remains before attaining grade level status and returning to regular status; and
- (12) Any other indicator the office recommends, the council approves, and the State Board of Education adopts.

(c) Performance on the indicator shall be compared to state standards, progress on improved student achievement, and comparable performance. The state standard standards for comparison shall be established by the office as provided in Code Section 20-14-31. ~~Required improvement is defined as the progress necessary for the school or local school system to meet state standards and for its students to meet exit requirements as defined by the office pursuant to Code Section 20-14-31. Comparable improvement is derived by measuring schools and local school systems against a profile developed from a total state student performance data base which exhibits substantial equivalence to the characteristics of students served by the school or system, including past academic performance, socioeconomic status, ethnicity, sex, disability, mobility, and language proficiency. Data and information regarding the standard shall be included in the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.~~

(d) The office shall establish individual school ratings for each school in this state for annual academic performance on the assessment instruments required under Code Section 20-2-281, ~~with:~~

- ~~(1) A school grade of A, B, C, D, or F on the established absolute student achievement standard;~~
- ~~(2) A school grade of A, B, C, D, or F for the school on the progress on improved student achievement; and~~
- ~~(3) A school performance status on other school performance indicators as defined in subsection (b) of this Code section.~~

(e) ~~Annually, the office shall define exemplary, acceptable, and unacceptable performance for~~

each academic excellence indicator included under in paragraphs (2) through (12) of subsection (b) of this Code section and shall project the standards for each of those levels of performance for succeeding years. Data and information regarding the establishment of the standard shall be included in the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.

~~(f)~~(e) Each school system shall provide all student performance data and all other student school completion and attendance data to the Department of Education's educational information system in accordance with rules and timelines established by the ~~office~~ State Board of Education.

~~(g)~~(f) The office shall develop, ~~the council shall approve~~, and the State Board of Education shall adopt a uniform definition of 'dropout.' All schools and school systems shall report student dropout information to the Department of Education's educational information system in accordance with rules and timelines established by the state board as provided in subsection (b) of Code Section 20-2-167. Each school system shall cooperate with the office in determining whether a student is a dropout under this subsection and shall adopt the uniform definition of 'dropout.' Data and information regarding the establishment of the definition and the tracking of dropout and school completion data shall be included in the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.

~~(h)~~(g) The office shall develop, ~~the council shall approve~~, and the State Board of Education shall adopt a uniform definition of a 'below grade level' student for purposes of placing students in the early intervention program under Code Section 20-2-153 and for purposes of tracking these students for accountability purposes. Data and information regarding the establishment of the definition shall be included in the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.

~~(i)~~(h) The office shall annually review the performance of each school on the indicators ~~identified~~ in subsection (b) of this Code section and determine whether a change in the school rating status of the school is warranted.

20-14-34.

(a) Each school year, the office shall prepare and distribute to each school system a report card for each school in the State of Georgia. The school report cards must be based on the most current data available disaggregated by student groups. School performance must be compared to:

- (1) Previous school and local school system performance;
- (2) Current school and local school system performance in relation to the absolute student achievement standards and progress on improved student achievement; ~~and~~
- (3) Comparable school group performance; and
- (4) Any other indicators adopted by the State Board of Education.

This report card on schools shall be the official state education performance report and supersedes all other reports that may be issued by departments of the state government for

matters of funding, awards, and interventions.

(b) The report card shall include the following information, where applicable:

- (1) The individual school grades ratings as defined provided for in subsection (d) of Code Section 20-14-33;
- (2) The academic excellence indicators ~~identified in paragraphs (2) through (12) of~~ subsection (b) of Code Section 20-14-33;
- (3) Teacher-student ratios; and
- (4) Administrative and instructional costs per student and other financial accounting information as may be required.

(c) Each school year, the office shall prepare and distribute a state-wide report card, aggregated by school systems and disaggregated by student groups, reporting on the student performance and school completion results of each school in the state and a rating for each school ~~based on the definitions~~ as provided for in subsection (d) of Code Section 20-14-33.

(d) The State Board of Education shall adopt rules requiring dissemination of appropriate student performance and school completion performance portions of school report cards annually to the parent, guardian, conservator, or other person having lawful control of each student at the school. On written request, the local school system shall provide a copy of a school report card to any other party. These reports shall be posted on ~~a website at both the state and the~~ Department of Education website and the existing website of such local school system level.

20-14-35.

(a) The office may:

- (1) Conduct on-site audits of any school at any time, subject to the approval of the director;
- (2) Raise or lower any performance rating as a result of the audit; and
- (3) Review school fund accounting information and records to determine effective and efficient expenditure of state funds as allocated.

(b) The director shall determine the frequency of on-site audits by the office according to annual comprehensive analyses of student performance and equity in relation to the academic excellence indicators and fund accounting assessments as adopted under subsection (b) of Code Section 20-14-34.

(c) In making an on-site school performance audit, the auditor shall obtain information from administrators, teachers, and parents of students enrolled in the local school system. The audit may not be closed until information is obtained from each of those sources. The office shall adopt rules regarding obtaining information from parents and using that information in the auditor's report and obtaining information from teachers in a manner that prevents a school or school system from screening the information.

(d) The auditors shall report to the local board of education, the local school council, and appropriate school administrators and shall report findings and recommendations concerning any necessary improvements or intervention strategies. School audit reports shall be provided

to the council and the State Board of Education.

(e) The director may authorize other school audits to be conducted under the following circumstances:

- (1) When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined; or
- (2) When a school or school system has not provided student performance information to the Department of Education's educational information system as required under subsection (b) of Code Section 20-2-167.

20-14-36.

The office shall recommend, and the council State Board of Education shall adopt, written procedures for conducting on-site audits under this part. The office shall make the procedures available to the schools, school councils, local boards of education, and the public. Office staff shall be trained in audit procedures and shall follow such procedures in conducting the audit.

20-14-37.

The Office of Student Achievement shall develop and the State Board of Education shall approve a Georgia schools awards system ~~is created~~ to recognize those schools and school systems that demonstrate progress or success in achieving the education goals of the state and achieving excellence on the ~~office school rating system as defined~~ provided for in Code Section 20-14-33.

20-14-38.

(a) Financial awards will be provided to the schools that the ~~office~~ director determines have demonstrated the greatest improvement in achieving the education goals of improved student achievement and improved school completion, subject to appropriation by the General Assembly and any limitation set by the director on the total amount that may be awarded to a school or local school system.

(b) Financial awards will be provided to each school that is identified by the director achieves a grade of A or B as defined in Code Section 20-14-33 for performance on either or both the ~~absolute student achievement standard~~ excellence in student achievement and progress on student achievement. The certificated personnel in a school that ~~achieves the grade of A or B~~ is identified by the director as either a best performing school or better performing school in either or both categories will be provided a bonus for the year the school ~~achieved those grades~~ was identified of \$1,000.00 for each ~~grade of A~~ best performing school designation and \$500.00 for each ~~grade of B~~ better performing school designation. The maximum individual annual bonus for certificated personnel shall not exceed \$2,000.00 and shall be provided subject to appropriation by the General Assembly or as otherwise may be provided. An additional financial award will be provided to each school for noncertificated personnel in the amount of \$10,000.00 for each ~~A grade for the school~~ designation of best performing school

and \$5,000.00 for each B grade for the school designation of better performing school, provided that the total lump sum noncertificated personnel award for an individual school shall not exceed \$20,000.00; provided, further, that funds for this purpose are appropriated by the General Assembly or as otherwise may be provided. The ~~local school council of the school~~ receiving this noncertificated personnel award shall determine the distribution of the award among such personnel of its school.

(c) The Governor may present proclamations or certificates to schools and school systems determined to have met or exceeded the state's education goals under Code Section 20-14-30.

20-14-39.

The financial award system may be funded by donations, grants, or appropriation by the General Assembly or as otherwise provided. The State Board of Education may solicit and receive grants and donations for the purpose of making awards under this part. Award funds may be used by the State Board of Education to pay for the costs associated with sponsoring a ceremony to recognize or present awards to schools or school systems under this part. The donations, grants, or appropriations by the General Assembly shall be accounted for and distributed by the State Board of Education. The awards are subject to audit requirements established by the ~~office~~ State Board of Education.

20-14-40.

All identifiable individual student performance data and information and reports received by the office, the Department of Education, and the State Board of Education under this part from schools or school systems shall be deemed confidential and may not be disclosed.

20-14-41.

~~(a) If a school has a grade of D or F~~ The State Board of Education shall by policies, rules, or regulations establish a coherent and sustained system of assistance and support for schools not meeting identified levels of achievement or not showing specified levels of progress as determined by the office. The State Board of Education shall by policies, rules, or regulations specify appropriate levels of assistance and intervention for schools that receive an unacceptable rating on student performance for the absolute student achievement standard or on progress on improved student achievement. as determined by the office, the office, in the audit report on an individual school, shall report findings and recommend appropriate levels of interventions for that school, based on a scale of increasingly severe interventions, to the State Board of Education. The In specifying levels of assistance and intervention, the State Board of Education shall prescribe the appropriate level of intervention and consider the number of years a school has received an unacceptable rating and may include one or more of the following increasingly severe interventions:

- (1) Issuing public notice of the deficiency to the local board of education;
- (2) Ordering a hearing to be conducted at the school by the local board of education with the

participation of the school council for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the office, and the interventions that may be imposed under this Code section if the performance does not improve within a designated period of time and of soliciting public comment on the initial steps being taken to improve performance;

(3) Ordering the preparation of an intensive student achievement improvement plan that addresses each academic excellence indicator for which the school's performance is unacceptable, the submission of the plan to the director State Board of Education for approval, and implementation of the plan;

(4) Appointing a Department of Education school improvement team to:

(A) Conduct a comprehensive on-site evaluation of each low-performing school to determine the cause for the school's low performance and lack of progress that includes presentations by the chairperson of the local board of education, the school principal, a parent member of the local school council, and other school personnel;

(B) Recommend actions, including reallocation of resources and technical assistance, changes in school procedures or operations, ~~staff development~~ professional learning focused on student achievement for instructional and administrative staff, intervention for individual administrators or teachers, instructional strategies based on scientifically based research, waivers from state statutes or rules, adoption of policies and practices to ensure all groups of students meet the state's proficiency level, extended instruction time for low-performing students, strategies for parental involvement, incorporation of a teacher mentoring program, smaller class size for low-performing students, or other actions the team considers appropriate;

(C) Assist in the development of an intensive school improvement plan focused on student achievement required by paragraph (3) of this subsection; and

(D) ~~Assist the director in monitoring~~ Monitor the progress of the school in implementing the intensive school improvement plan focused on student achievement;

(5) If a school has received ~~a grade of D or F~~ an unacceptable rating for a period of two consecutive years or more, appointing a school master or management team to oversee and direct the duties of the principal of the school in relation to the school until school performance improves and the school is released from intervention by the director, with the cost of the master or management team to be paid by the state; or

(6) If a school has received ~~a grade of D or F~~ an unacceptable rating for a period of three consecutive years or more, the State Board of Education shall, subject to the provisions of subsection (f) of this Code section, implement one or more of the following interventions or sanctions, ~~in order of severity~~:

(A) Removal of school personnel on recommendation of the master or the school improvement team, including the principal and personnel whose performance has continued not to produce student achievement gains over a three-year period as a condition for continued receipt of state funds for administration;

- (B) Allow for the implementation of a state charter school through the designation by the State Board of Education;
- (C) Mandate the complete reconstitution of the school, removing all personnel, appointing a new principal, and hiring all new staff. Existing staff may reapply for employment at the newly reconstituted school but shall not be rehired if their performance regarding student achievement has been negative for the past three years;
- (D) Mandate that the parents have the option to relocate the student to other public schools in the local school system to be chosen by the parents of the student with transportation costs borne by the system; or
- (E) Mandate a monitor, master, or management team in the school that shall be paid by the district;
- (F) Continue the intensive student achievement improvement plan provided for in paragraph (3) of this subsection; or
- (G) Mandate a complete restructuring of the school's governance arrangement and internal organization of the school.

(b) If a school has received an unacceptable rating for a period of two consecutive years or more, the following interventions shall be imposed, subject to the provisions of subsection (f) of this Code section, in accordance with rules and regulations established by the State Board of Education and in addition to any other interventions imposed by the State Board of Education pursuant to subsection (a) of this Code section:

- (1) Mandated public school choice;
- (2) Specified maximum class sizes; and
- (3) Site based expenditure controls.

At its discretion, the State Board of Education shall also be authorized to impose additional restrictions or mandates on schools subject to this subsection, as deemed appropriate by the State Board of Education and in accordance with its rules and regulations.

(c) The State Board of Education shall clearly define the powers and duties of a master or management team appointed to oversee the operations of a school.

~~(e)~~(d) A school improvement team appointed under this Code section may consist of currently employed or retired teachers, principals, other educational professionals, Department of Education school improvement employees, or local school superintendents recognized for excellence in their roles and appointed by the State Board of Education to serve as members of a team.

~~(d)~~(e) The State Board of Education shall annually report by ~~June 30~~ October 31 of each year the status of the interventions imposed on low-performing schools to the office with recommendations regarding ending, extending, or upgrading the interventions on those schools. The director shall review and respond to the report.

(f) Before the implementation of any interventions for a school that has received an unacceptable rating for two years or three years, the local board of education for such school

summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period ~~to end~~ of one year or shall end upon the date of such minor's eighteenth birthday, ~~but such minor's instruction permit or driver's license shall be reinstated if the minor submits evidence satisfactory to the department that he or she has resumed regular studies as determined by the State Board of Education and qualifies for an instruction permit or driver's license under the provisions of this subsection, upon payment of a restoration fee of \$50.00; provided, however, that any instruction permit or driver's license suspended pursuant to subparagraph (C) of this paragraph shall not be reinstated until 90 days after the effective date of the suspension of such permit or license~~ whichever comes first.

(3) The State Board of Education and the commissioner of motor vehicle safety are authorized to promulgate rules and regulations to implement the provisions of this subsection. "

SECTION 22.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the name "Office of Education Accountability" wherever the same shall occur and inserting in lieu thereof the name "Office of Student Achievement":

- (1) Code Section 20-2-154.1, relating to alternative education programs;
- (2) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage and criteria for determining shortage;
- (3) Code Section 20-2-283, relating to criteria and specific requirements for the development of a placement and promotion policy;
- (4) Code Section 20-2-286, relating to Georgia Closing the Achievement Gap Commission;
- (5) Code Section 20-14-6, relating to selection of personnel to support the Education Coordinating Council;
- (6) Code Section 20-14-8, relating to general powers and duties of the Education Coordinating Council;
- (7) Code Section 20-14-20, relating to definitions regarding education accountability

assessment programs;

- (8) Code Section 20-14-25, relating to the creation of the Office of Education Accountability;
- (9) Code Section 47-3-127.1, relating to employment of retired teacher as full-time teacher; and
- (10) Code Section 50-18-72, relating to when public disclosure of government records is not required.

SECTION 23.

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

SECTION 24.

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



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