

Senate Bill 410

By: Senators Williams of the 19th, Mullis of the 53rd, Rogers of the 21st, Jeffares of the 17th, Heath of the 31st and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to an accountability assessment for K-12 education, so as to provide for  
3 annual indicators of the quality of learning by students, financial efficiency, and school  
4 climate for individual schools and for school systems; to provide for individual school and  
5 school system numerical score ratings based on student achievement, achievement gap  
6 closure, and student progress; to revise provisions relating to awards and interventions; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 3 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated,  
11 relating to an accountability assessment for K-12 education, is amended by revising Code  
12 Section 20-14-33, relating to indicators of quality of learning in individual schools and  
13 school systems, comparison to state standards, rating schools and school systems, and other  
14 matters, as follows:

15 "20-14-33.

16 (a) The office, in coordination with the Department of Education, shall adopt and  
17 ~~biennially~~ annually review, and revise as necessary, indicators of the quality of learning by  
18 students, financial efficiency, and school climate for individual schools and for school  
19 systems in an individual school and school system.

20 (b) The performance indicators of ~~student achievement and school performance must be~~  
21 ~~based on information that is disaggregated with respect to~~ quality of learning shall be based  
22 on data that include student achievement, achievement gap closure, and student progress.  
23 The performance indicators of quality of learning shall include all students regardless of  
24 ethnicity, sex, disability, language proficiency, and socioeconomic status and must include  
25 shall be disaggregated by all subgroups as required under the federal Elementary and  
26 Secondary Education Act, as amended:

- 27 ~~(1) The results of assessment instruments required under Code Section 20-2-281,~~  
 28 ~~aggregated by grade level and subject area;~~  
 29 ~~(2) Dropout rates for each school;~~  
 30 ~~(3) Student attendance rates for each school;~~  
 31 ~~(4) School completion rates for each school;~~  
 32 ~~(5) The percentage of graduating students who attain scores on the Georgia high school~~  
 33 ~~graduation test required under Code Section 20-2-281 that are equivalent to a passing~~  
 34 ~~score on the test instrument until such time as the Georgia high school graduation test is~~  
 35 ~~discontinued as provided in Code Section 20-2-281;~~  
 36 ~~(6) The percentage of graduating students who meet the course requirements established~~  
 37 ~~for the recommended high school program by State Board of Education rule;~~  
 38 ~~(7) The percentage of students taking end-of-course assessment instruments under Code~~  
 39 ~~Section 20-2-281;~~  
 40 ~~(8) The percentage of high school students who pass the end-of-course assessment~~  
 41 ~~instrument in core subjects;~~  
 42 ~~(9) The results of the Scholastic Assessment Test or the ACT Assessment;~~  
 43 ~~(10) The percentage of students taking alternate assessments under subsection (d) of~~  
 44 ~~Code Section 20-2-281;~~  
 45 ~~(11) The average time that a student placed in an early intervention program remains~~  
 46 ~~before attaining grade level status and returning to regular status; and~~  
 47 ~~(12) Any other indicator the office adopts.~~
- 48 (c) Performance on the ~~indicator~~ indicators of quality of learning, financial efficiency,  
 49 school climate, and any other indicators the office adopts shall be compared to state  
 50 standards, progress on improved student achievement, and comparable performance. The  
 51 standards for comparison shall be established by the office as provided in Code Section  
 52 20-14-31, in coordination with the Department of Education. Data and information  
 53 regarding the ~~standard~~ standards shall be included in the annual report provided for in  
 54 paragraph (2) of subsection (a) of Code Section 20-14-27. Financial efficiency may  
 55 include an analysis of how federal and state funds spent by local school systems impact  
 56 student achievement and school improvement, and components used to determine financial  
 57 efficiency may include actual achievement, resource efficiency, and student participation  
 58 in standardized testing. School climate determinations may utilize data from student health  
 59 surveys, data on environmental and behavior indicators, data on student behavioral and  
 60 school-based reactions, and teacher and parent survey instruments. Financial efficiency  
 61 and school climate shall have one of the following star ratings based upon the factors  
 62 included in this subsection, as further defined by rules and regulations of the office:

- 63 (1) '5-star' schools ranked excellent according to the state determined financial efficiency  
 64 or school climate index, as appropriate;
- 65 (2) '4-star' schools ranked above average according to the state determined financial  
 66 efficiency or school climate index, as appropriate;
- 67 (3) '3-star' schools ranked average according to the state determined financial efficiency  
 68 or school climate index, as appropriate;
- 69 (4) '2-star' schools ranked below satisfactory according to the state determined financial  
 70 efficiency or school climate index, as appropriate; or
- 71 (5) '1-star' schools ranked unsatisfactory according to the state determined financial  
 72 efficiency or school climate index, as appropriate.
- 73 (d) The office, in coordination with the Department of Education, shall establish and  
 74 annually calculate individual school and school system ratings, which shall be a numerical  
 75 score on a scale of 0-100, for each public school and school system in this state based on  
 76 the indicators of quality of learning adopted pursuant to this Code section for student  
 77 achievement, achievement gap closure, and student progress with a majority of the score  
 78 based on student achievement for annual academic performance on the assessment  
 79 instruments required under Code Section 20-2-281.
- 80 (e) Each school system shall provide all student performance data and all other ~~student~~  
 81 ~~school completion and attendance~~ data necessary for the calculation of the school and  
 82 school system rating to the Department of Education's educational information system in  
 83 accordance with rules and timelines established by the State Board of Education and the  
 84 Department of Education shall make such data available to the office to enable it to conduct  
 85 its required duties.
- 86 (f) The office shall develop and the State Board of Education shall adopt a uniform  
 87 definition of 'dropout.' All schools and school systems shall report student dropout  
 88 information to the Department of Education's educational information system in  
 89 accordance with rules and timelines established by the state board as provided in  
 90 subsection (b) of Code Section 20-2-167. Each school system shall cooperate with the  
 91 office in determining whether a student is a dropout under this subsection and shall adopt  
 92 the uniform definition of 'dropout.' Data and information regarding the establishment of  
 93 the definition and the tracking of dropout and school completion data shall be included in  
 94 the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.  
 95 School completion data shall be included in the performance indicators of quality of  
 96 learning for each school and school system.
- 97 (g) The office shall develop and the State Board of Education shall adopt a uniform  
 98 definition of a 'below grade level' student for purposes of placing students in the early  
 99 intervention program under Code Section 20-2-153 and for purposes of tracking these

100 students for accountability purposes. Data and information regarding the establishment of  
 101 the definition shall be included in the annual report provided for in paragraph (2) of  
 102 subsection (a) of Code Section 20-14-27.

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

106 **SECTION 2.**

107 Said part is further amended by revising Code Section 20-14-34, relating to school report  
 108 cards and the required information and dissemination of such report cards, as follows:

109 "20-14-34.

110 (a) Each school year, the office shall prepare and distribute to each school system in the  
 111 State of Georgia a report card for each school in the school system and for the school  
 112 system in the State of Georgia. The school report cards ~~must be~~ shall include performance  
 113 data on quality of learning, financial efficiency, and school climate as calculated pursuant  
 114 to Code Section 20-14-33 and based on the most current data available disaggregated by  
 115 student groups. ~~School performance must be compared to:~~

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

121 This report card on schools shall be the official state education performance report and  
 122 supersedes all other reports that may be issued by departments of the state government for  
 123 matters of funding, awards, and interventions.

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

- 125 (1) The individual school and school system ratings in a numerical format as provided  
 126 for in subsection (d) of Code Section 20-14-33;  
 127 ~~(2) The academic excellence indicators in subsection (b) of Code Section 20-14-33;~~  
 128 ~~(3) Teacher-student ratios; and~~  
 129 ~~(4) Administrative and instructional costs per student and other financial accounting~~  
 130 ~~information as may be required.~~  
 131 (2) A financial efficiency rating for each school and school system;  
 132 (3) A school climate rating for each school and school system;  
 133 (4) An explanation of the criteria that informs the school and school system rating; and  
 134 (5) An explanation of the criteria that informs the financial efficiency and school climate  
 135 ratings.

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

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

### 148 SECTION 3.

149 Said part is further amended by revising Code Section 20-14-38, relating to financial awards  
 150 and proclamations by the Governor, as follows:

151 "20-14-38.

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

157 (b) Financial awards ~~will~~ may be provided to each school that is identified by the director  
 158 for performance ~~on either or both excellence~~ in student achievement and or student  
 159 ~~progress on student achievement~~. The certificated personnel in a school that is identified  
 160 by the director as either a best performing school or better performing school in either or  
 161 both categories ~~will~~ may be provided a bonus for the year the school was identified of  
 162 \$1,000.00 for each best performing school designation and \$500.00 for each better  
 163 performing school designation. The maximum individual annual bonus for certificated  
 164 personnel shall not exceed \$2,000.00 and shall be provided subject to appropriation by the  
 165 General Assembly or as otherwise may be provided. An additional financial award ~~will~~  
 166 may be provided to each school for noncertificated personnel in the amount of \$10,000.00  
 167 for each designation of best performing school and \$5,000.00 for each designation of better  
 168 performing school, provided that the total lump sum noncertificated personnel award for  
 169 an individual school shall not exceed \$20,000.00; provided, further, that funds for this  
 170 purpose are appropriated by the General Assembly or as otherwise may be provided. The

171 school receiving this noncertificated personnel award shall determine the distribution of  
172 the award among such personnel of its school.

173 (c) The Governor may present proclamations or certificates to schools and school systems  
174 determined to have met or exceeded the state's education goals under Code Section  
175 20-14-30."

176 **SECTION 4.**

177 Said part is further amended in Code Section 20-14-41, relating to appropriate levels of  
178 intervention for failing schools, by revising subsection (a) as follows:

179 "(a) The State Board of Education shall by policies, rules, or regulations establish a  
180 coherent and sustained system of assistance and support for schools not meeting identified  
181 levels of achievement or not showing specified levels of progress as determined by the  
182 office. The State Board of Education shall by policies, rules, or regulations specify  
183 appropriate levels of assistance and intervention for schools that receive an unacceptable  
184 rating on ~~student performance for the absolute student achievement standard or on progress~~  
185 ~~on improved student achievement, achievement gap closure, or student progress, or any~~  
186 combination thereof. In specifying levels of assistance and intervention, the State Board  
187 of Education shall consider the number of years a school has received an unacceptable  
188 rating and may include one or more of the following interventions:

- 189 (1) Issuing public notice of the deficiency to the local board of education;
- 190 (2) Ordering a hearing to be conducted at the school by the local board of education with  
191 the participation of the school council for the purpose of notifying the public of the  
192 unacceptable performance, the improvements in performance expected by the office, and  
193 the interventions that may be imposed under this Code section if the performance does  
194 not improve within a designated period of time and of soliciting public comment on the  
195 initial steps being taken to improve performance;
- 196 (3) Ordering the preparation of an intensive student achievement improvement plan that  
197 addresses each academic excellence indicator for which the school's performance is  
198 unacceptable, the submission of the plan to the State Board of Education for approval,  
199 and implementation of the plan;
- 200 (4) Appointing a Department of Education school improvement team to:
- 201 (A) Conduct a comprehensive on-site evaluation of each low-performing school to  
202 determine the cause for the school's low performance and lack of progress that includes  
203 presentations by the chairperson of the local board of education, the school principal,  
204 a parent member of the local school council, and other school personnel;
- 205 (B) Recommend actions, including reallocation of resources and technical assistance,  
206 changes in school procedures or operations, professional learning focused on student

207 achievement for instructional and administrative staff, intervention for individual  
 208 administrators or teachers, instructional strategies based on scientifically based  
 209 research, waivers from state statutes or rules, adoption of policies and practices to  
 210 ensure all groups of students meet the state's proficiency level, extended instruction  
 211 time for low-performing students, strategies for parental involvement, incorporation of  
 212 a teacher mentoring program, smaller class size for low-performing students, or other  
 213 actions the team considers appropriate;

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

216 (D) Monitor the progress of the school in implementing the intensive school  
 217 improvement plan focused on student achievement;

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

223 (6) If a school has received an unacceptable rating for a period of three consecutive years  
 224 or more, the State Board of Education shall, subject to the provisions of subsection (f) of  
 225 this Code section, implement one or more of the following interventions or sanctions:

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

230 (B) Allow for the implementation of a state charter school through the designation by  
 231 the State Board of Education;

232 (C) Mandate the complete reconstitution of the school, removing all personnel,  
 233 appointing a new principal, and hiring all new staff. Existing staff may reapply for  
 234 employment at the newly reconstituted school but shall not be rehired if their  
 235 performance regarding student achievement has been negative for the past three years;

236 (D) Mandate that the parents have the option to relocate the student to other public  
 237 schools in the local school system to be chosen by the parents of the student from a list  
 238 of available options provided by the local school system. The local school system shall  
 239 provide transportation for students in Title I schools in accordance with the  
 240 requirements of federal law. The local school system may provide transportation for  
 241 students in non-Title I schools. In any year in which the General Assembly does not  
 242 appropriate funds for the provision of transportation to non-Title I students, the parent  
 243 or guardian shall assume responsibility for the transportation of that student;

244 (E) Mandate a monitor, master, or management team in the school that shall be paid  
245 by the district;

246 (F) Continue the intensive student achievement improvement plan provided for in  
247 paragraph (3) of this subsection; or

248 (G) Mandate a complete restructuring of the school's governance arrangement and  
249 internal organization of the school."

250 **SECTION 5.**

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