

House Bill 91 (COMMITTEE SUBSTITUTE)

By: Representatives Coleman of the 97th, Dickson of the 6th, Clark of the 101st, Maxwell of the 17th, England of the 116th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
2 elementary and secondary education, so as to eliminate the Georgia High School Graduation
3 Test as a requirement for purposes of graduation; to provide procedures for former students
4 who did not pass one or more portions of the Georgia High School Graduation Test to
5 petition to obtain a high school diploma; to provide for notice of such petition option; to
6 provide for changes for purposes of conformity; to provide for related matters; to provide for
7 an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the elementary
11 and secondary education, is amended in Code Section 20-2-84, relating to accountability,
12 flexibility, and consequences components of contracts, by revising subsection (a) as follows:

13 "(a) The accountability component of the contract provided in Code Section 20-2-83 shall
14 include at least one of the student achievement measures in paragraphs (1) through (4) of
15 this subsection, including both total scores and any needed targeted subgroups:

16 (1) High school graduation rates;

17 (2) SAT or ACT performance;

18 (3) State standardized test data, which may include ~~criteria-referenced competency~~
19 ~~tests, the Georgia High School Graduation Test, end-of-grade assessments,~~ end-of-course
20 assessments, or a combination thereof;

21 (4) Advanced placement or international baccalaureate participation and performance;
22 and

23 (5) Any other accountability measures included pursuant to Part 3 of Article 2 of Chapter
24 14 of this title."

59

SECTION 3.

60 Said chapter is further amended in Code Section 20-2-171, relating to minimum direct
61 classroom expenditures, by revising paragraph (3) of subsection (b) as follows:

62 "(3) A local school system that has direct classroom expenditures that are less than 65
63 percent of its total operating expenditures and that is unable to meet the expenditure
64 requirements in paragraph (2) of this subsection may apply to the State Board of
65 Education for a one-year renewable achievement waiver. The waiver request must
66 include evidence that the local school system is exceeding the state averages in academic
67 categories designated by the board, which may include, but not be limited to,
68 ~~criteria-referenced competency tests, the Georgia High School Graduation Test,~~
69 end-of-grade assessments, end-of-course assessments, and the SAT, a plan for obtaining
70 compliance with this Code section, and any other information required at the discretion
71 of the board; and"

72

SECTION 4.

73 Said chapter is further amended by revising Code Section 20-2-281, relating to the
74 assessment of effectiveness of educational programs under the "Quality Basic Education
75 Act," as follows:

76 "20-2-281.

77 (a) The State Board of Education shall adopt a student assessment program consisting of
78 instruments, procedures, and policies necessary to implement the program and shall fund
79 all costs of providing and scoring such instruments, subject to appropriation by the General
80 Assembly. Each local school system may elect to administer, with state funding, nationally
81 norm-referenced instruments in reading, mathematics, science, or social studies in grade
82 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
83 with assistance to such school systems by the State Board of Education with regard to
84 administration guidance, scoring, and reporting of such ~~assessments~~ instruments. The State
85 Board of Education shall review, revise, and upgrade the quality core curriculum.
86 Following the adoption of this revised curriculum, the State Board of Education shall
87 contract for development of ~~criteria-referenced competency tests~~ end-of-grade
88 assessments to measure the quality core curriculum. Such ~~tests~~ assessments in English and
89 language arts, mathematics, and reading shall be administered annually to students in
90 grades one through eight, and such tests in science and social studies shall be administered
91 annually to students in grades three through eight. This action shall be completed
92 according to a schedule established by the State Board of Education. ~~A curriculum-based~~
93 ~~assessment shall be administered in grade 11 for graduation purposes.~~ Writing assessments
94 shall be ~~administered to~~ assessed, at a minimum, for students in grades three, five, eight,

95 and 11. ~~The writing assessments shall provide students~~ Students and their parents with
 96 ~~performance outcome measures resulting~~ shall be provided with writing performance
 97 ~~results from the administration of such tests~~ assessments.

98 (b) The nationally ~~normed assessments~~ norm-referenced instruments provided for in
 99 subsection (a) of this Code section shall provide students and their parents with grade
 100 equivalencies and percentile ranks which result from the administration of such tests
 101 ~~instruments. Criterion-referenced tests and the high school graduation test provided for in~~
 102 ~~subsection (a) of this Code section~~ End-of-grade assessments shall provide for results that
 103 reflect student achievement at the individual student, classroom, school, system, and state
 104 levels. The State Board of Education shall participate in the National Assessment of
 105 Educational Progress (NAEP) and may participate in any other tests that will allow
 106 benchmarking this state's performance against national or international performance. The
 107 results of such testing shall be provided to the Governor, the General Assembly, and the
 108 State Board of Education and shall be reported to the citizens of Georgia. Further, the state
 109 board shall adopt a school readiness assessment for students entering first grade and shall
 110 administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section
 111 20-2-151. One of the components in the awarding of salary supplements as part of a pay
 112 for performance or related plan under this article may be assessments of student
 113 achievement.

114 (b.1) The State Board of Education shall notify local school systems and individual
 115 schools of the results of the assessment instruments administered under this Code section
 116 at the earliest possible date determined by the state board, but not later than the beginning
 117 of the subsequent school year.

118 (c) The State Board of Education shall have the authority to condition the awarding of a
 119 high school diploma to a student upon achievement of satisfactory scores on instruments
 120 ~~or tests~~ adopted and administered by the state board pursuant to subsection (a) of this Code
 121 section and the end-of-course assessments adopted and administered by the state board
 122 pursuant to subsections (f) and (h) of this Code section. The state board is authorized and
 123 directed to adopt regulations providing that any disabled child, as defined by the provisions
 124 of this article, shall be afforded opportunities to take any test adopted by the state board as
 125 a condition for the awarding of a high school diploma. ~~Said~~ Such regulations shall further
 126 provide for appropriate accommodations in the administration of such test. ~~Said~~ Such
 127 regulations shall further provide for the awarding of a special education diploma to any
 128 disabled student who is lawfully assigned to a special education program and who does not
 129 achieve a passing score on ~~said~~ such test or who has not completed all of the requirements
 130 for a high school diploma but who has nevertheless completed his or her Individualized
 131 Education Program.

132 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 133 administered to each student receiving special education services pursuant to Code
 134 Section 20-2-152 who does not receive instruction in the essential knowledge and skills
 135 identified in the quality core curriculum developed pursuant to Code Section 20-2-140
 136 and for whom the assessment instruments adopted under subsection (a) of this Code
 137 section, even with allowable modifications, would not provide an appropriate measure
 138 of student achievement, as determined by the student's Individualized Education Program
 139 team. ~~A student's Individualized Education Program may serve as an alternate~~
 140 ~~assessment for that student.~~

141 (2) A student's Individualized Education Program team shall determine appropriate
 142 participation in assessment and identify necessary accommodations in accordance with
 143 the federal Individuals with Disabilities Education Act.

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

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

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

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

167 (i) The Department of Education shall develop study guides for the ~~critierion-referenced~~
 168 ~~tests~~ end-of-grade assessments and end-of-course assessments administered pursuant to

169 subsections (a) and (f) of this Code section. Each school system shall distribute the study
 170 guides to students who do not perform satisfactorily on one or more parts of an assessment
 171 instrument administered under this Code section and to the parents or guardians of such
 172 students.

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

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

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

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

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

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

208 (m) The results of individual student performance on academic skills assessment
209 instruments administered under this Code section shall be confidential and may be released
210 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
211 20 U.S.C. Section 1232g.

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

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

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

226 (q) The State Board of Education shall consider the passage by a student of an industry
227 certification examination or a state licensure examination which is approved by the State
228 Board of Education when considering whether to grant such student a variance for one or
229 more ~~portions of the high school graduation test~~ end-of-course assessments required by the
230 State Board of Education pursuant to subsection ~~(a)~~(c) of this Code section in order to
231 obtain a Georgia high school diploma; provided, however, that the state board shall not
232 grant a variance to a student unless the student has attempted and failed to pass the relevant
233 ~~portion of the high school graduation test~~ end-of-course assessment or assessments at least
234 four times."

235 SECTION 5.

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

237 "20-2-281.1.

238 (a) On and after the effective date of this Act, students shall no longer be required to earn
239 a passing score on the Georgia High School Graduation Test to earn a high school diploma.

240 (b) A person who is no longer enrolled in a Georgia public school and who previously
241 failed to receive a high school diploma in this state or was denied graduation solely for

242 failing to achieve a passing score on one or more portions of the Georgia High School
 243 Graduation Test or its predecessor or the Georgia High School Writing Test or its
 244 predecessor may petition the local board of education in which he or she was last enrolled
 245 to determine the student's eligibility to receive a high school diploma pursuant to this Code
 246 section based on the graduation requirements in effect when the student first entered ninth
 247 grade. Once the local board of education confers a diploma upon a student meeting such
 248 requirements, the local board shall transmit to the Georgia Department of Education in
 249 accordance with department procedures the number of diplomas awarded. The local board
 250 of education may date the high school diploma on the date the student graduated or the date
 251 the diploma was conferred. Students receiving diplomas pursuant to this Code section shall
 252 not be counted as graduates in the graduation rate calculations for affected schools and
 253 school systems, either retroactively or in current or future calculations. On or before
 254 January 31, 2020, the Georgia Department of Education shall report to the State Board of
 255 Education and the General Assembly the number of diplomas granted, by local school
 256 system, pursuant to this Code section.

257 (c) Each local school system shall annually advertise the provisions of this Code section,
 258 one time no later than January 15, 2016, one time no later than January 15, 2017, and one
 259 time no later than January 15, 2018. Such advertisement shall be made in a local
 260 newspaper of general circulation which shall be the same newspaper in which other legal
 261 announcements of the local board of education are advertised. At a minimum, such notice
 262 shall consist of two columns measuring at least ten inches in length and measuring at least
 263 four and one-half inches in combined width, and include:

- 264 (1) A headline printed in at least a 24 point boldface type;
- 265 (2) An explanation of who qualifies for the petitioning option;
- 266 (3) An explanation of the petition process;
- 267 (4) A contact name and phone number; and
- 268 (5) The deadline for submitting a petition."

269 **SECTION 6.**

270 Said chapter is further amended by revising Code Section 20-2-283, relating to criteria for
 271 placement and promotion policies and specific requirements for students in grades three, five,
 272 and eight, as follows:

273 "20-2-283.

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

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

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

280 (A) The fourth grade program to which the student would otherwise be assigned if the
281 student does not achieve grade level as defined by the Office of Student Achievement
282 in accordance with Code Section 20-14-31 on the third grade ~~critierion-referenced~~
283 end-of-grade reading assessment developed in accordance with subsection (a) of Code
284 Section 20-2-281 and meet the promotional standards and criteria established by the
285 State Board of Education and by the local school board for the school that the student
286 attends;

287 (B) The sixth grade program to which the student would otherwise be assigned if the
288 student does not achieve grade level as defined by the Office of Student Achievement
289 in accordance with Code Section 20-14-31 on the fifth grade ~~critierion-referenced~~
290 end-of-grade mathematics assessment and fifth grade ~~critierion-referenced~~ end-of-grade
291 reading assessment developed in accordance with subsection (a) of Code Section
292 20-2-281 and meet the promotional standards and criteria established by the State
293 Board of Education and by the local school board for the school that the student attends;
294 or

295 (C) The ninth grade program to which the student would otherwise be assigned if the
296 student does not achieve grade level as defined by the Office of Student Achievement
297 in accordance with Code Section 20-14-31 on the eighth grade ~~critierion-referenced~~
298 end-of-grade mathematics assessment and eighth grade ~~critierion-referenced~~
299 end-of-grade reading assessment developed in accordance with subsection (a) of Code
300 Section 20-2-281 and meet the promotional standards and criteria established by the
301 State Board of Education and by the local school board for the school that the student
302 attends;

303 (2) When a student does not perform at grade level on any ~~critierion-referenced~~
304 end-of-grade assessment specified in paragraph (1) of this subsection then the following
305 shall occur:

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

312 (B) The student shall be retested with a ~~criterion-referenced~~ end-of-grade assessment
 313 or an alternative assessment instrument that is appropriate for the student's grade level
 314 as provided for by the State Board of Education and the local board of education; and

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

317 (3) When a student does not perform at grade level on any ~~criterion-referenced~~
 318 end-of-grade assessment specified in paragraph (1) of this subsection and also does not
 319 perform at grade level on a second additional opportunity as provided for in paragraph
 320 (2) of this subsection then the following shall occur:

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

323 (B) The school principal or the principal's designee shall notify in writing by first-class
 324 mail the parent or guardian of the student and the teacher regarding the decision to
 325 retain the student. The notice shall describe the option of the parent, guardian, or
 326 teacher to appeal the decision to retain the student and shall further describe the
 327 composition and functions of the placement committee as provided for in this
 328 subsection, including the requirement that a decision to promote the student must be a
 329 unanimous decision of the committee;

330 (C) If the parent, guardian, or teacher appeals the decision to retain the student, then
 331 the school principal or designee shall establish a placement committee composed of the
 332 principal or the principal's designee, the student's parent or guardian, and the teacher
 333 of the subject of the assessment instrument on which the student failed to perform at
 334 grade level and shall notify in writing by first-class mail the parent or guardian of the
 335 time and place for convening the placement committee;

336 (D) The placement committee shall:

337 (i) Review the overall academic achievement of the student in light of the
 338 performance on the ~~criterion-referenced~~ end-of-grade assessment and the standards
 339 and criteria as adopted by the local board of education and make a determination to
 340 promote or retain. A decision to promote must be a unanimous decision and must
 341 determine that if promoted and given accelerated, differentiated, or additional
 342 instruction during the next year, the student is likely to perform at grade level as
 343 defined by the Office of Student Achievement in accordance with Code Section
 344 20-14-31 by the conclusion of the school year; and

345 (ii) Prescribe for the student, whether the student is retained or promoted, such
 346 accelerated, differentiated, or additional instruction as needed to perform at grade
 347 level by the conclusion of the subsequent school year, prescribe such additional
 348 assessments as may be appropriate in addition to assessments administered to other

349 students at the grade level during the year, and provide for a plan of continuous
 350 assessment during the subsequent school year in order to monitor the progress of the
 351 student;

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

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

356 (c) This Code section does not preclude the retention by the school principal or the
 357 principal's designee of a student who performs satisfactorily on the ~~crit~~erion-referenced
 358 end-of-grade assessments specified in paragraph (1) of subsection (b) of this Code section
 359 as provided for by the local board of education.

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

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

363 **SECTION 7.**

364 Said chapter is further amended by revising Code Section 20-2-284, relating to criteria for
 365 local board of education and model placement and promotion policies, as follows:

366 "20-2-284.

367 (a) No later than July 1, 2003, each local board of education shall develop and adopt a
 368 placement and promotion policy in accordance with the criteria established by the State
 369 Board of Education as provided in Code Section 20-2-283 and consistent with the Georgia
 370 Academic Placement and Promotion Policy.

371 (b) Except for those ~~crit~~erion-referenced end-of-grade assessments specified in Code
 372 Section 20-2-283, the placement and promotion policy as developed and adopted by each
 373 local board of education shall state how the ~~crit~~erion-referenced ~~competency tests~~
 374 end-of-grade assessments administered under Code Section 20-2-281 for grades one
 375 through eight will be weighted or otherwise utilized by the school principal or the
 376 principal's designee in determining the overall academic achievement of a student and an
 377 appropriate plan of accelerated, differentiated, or additional instruction, placement,
 378 promotion, or retention of a student.

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

382 **SECTION 8.**

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

385 **SECTION 9.**

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