Senate Bill 362
By: Senators Tippins of the 37th, Wilkinson of the 50th, Sims of the 12th, Millar of the 40th,
Stone of the 23rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
provide for the establishment of an innovative assessment pilot program; to provide for
participating local school systems; to provide exemptions from certain state-wide assessment
requirements; to provide for an annual report; to provide for revised accountability
requirements; to provide for related matters; 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 in
Code Section 20-2-281, relating to student assessments in elementary and secondary
education, by revising subsection (a) as follows:

"(a) The State Board of Education shall adopt a student assessment program consisting of
instruments, procedures, and policies necessary to implement the program and shall fund
all costs of providing and scoring such instruments, subject to appropriation by the General
Assembly. The student assessment program shall include a comprehensive summative
assessment program for grades three through 12. In addition, each local school system
shall administer, with state funding, a research based formative assessment with a
summative component that is tied to performance indicators in English language
arts/reading and mathematics in grades one and two, subject to available appropriations.
Such research based assessment shall be selected; after consultation with local school
systems. Such research based assessment shall provide for real-time data analysis for
students, teachers, school leaders, and parents; allow flexible grouping of students based
on skill level; and measure student progress toward grade-level expectations
throughout the school year. Each local school system may elect to administer, with state
funding, nationally norm-referenced instruments in reading, mathematics,
science, or social studies in grade three, four, or five and in grade six, seven, or eight,
subject to available appropriations, with assistance to such local school systems by the
State Board of Education with regard to administration guidance, scoring, and reporting of
such instruments. Further, the State Board of Education shall adopt a school readiness
assessment for students entering first grade and shall administer such assessment pursuant
to paragraph (2) of subsection (b) of Code Section 20-2-151. Each local school system is
strongly encouraged to develop and implement a program of multiple formative
assessments in reading and mathematics for kindergarten through fifth grade to ensure that
students entering sixth grade are on track to meet grade-level expectations, including
mastery in reading by the end of third grade to prepare for the infusion of literacy in
subsequent grades and mastery in basic mathematics skills by the end of fifth grade and in
accordance with the local school system's five-year strategic plan, performance indicators,
and, if applicable, flexibility contract or other agreement with the State Board of Education
for local school systems that are not under a flexibility contract. The State Board of
Education shall periodically review, revise, and upgrade the content standards. Following
the adoption of such content standards, the State Board of Education shall contract for
development of end-of-grade assessments to measure the content standards. As part of the
comprehensive summative assessment program, end-of-grade assessments in English
language arts/reading and mathematics shall be administered annually to students in grades
three through eight, and such tests in science and social studies shall be administered
annually to students in grades five and eight; provided, however, that each local school
system participating in the innovative assessment pilot program established pursuant to
Code Section 20-2-286 shall be required to administer only such end-of-grade assessments
as specified in the local school system's flexibility contract, as amended for participation
in the innovative assessment pilot program. These tests shall contain features that allow
for comparability to other states with whom establishing such comparison would be
statistically sound; provided, however, that no such comparison shall be conducted which
would relinquish any measure of control over assessments to any individual or entity
outside the state. Further, as part of the comprehensive summative assessment program,
the State Board of Education shall adopt and administer, through the Department of
Education, end-of-course assessments for students in grades nine through 12 for all core
subjects, as determined by the state board; provided, however, that each local school
system participating in the innovative assessment pilot program established pursuant to
Code Section 20-2-286 shall be required to administer only such end-of-course assessments
as specified in the local school system's flexibility contract, as amended for participation
in the innovative assessment pilot program. Writing performance shall be assessed, at a
minimum, for students in grades three, five, eight, and 11 and may be assessed for students
in additional grade levels as designated by the State Board of Education. Such required
writing performance assessment may be embedded within the assessments included in the comprehensive summative assessment program. Writing performance results shall be provided to students and their parents. If authorized to establish and operate an innovative assessment system pursuant to 34 C.F.R. Section 200.104, the Department of Education may establish a pilot program for local school systems that have an existing program of multiple formative assessments during the course of the academic year that result in a single summative score that is valid and reliable in measuring individual student achievement or growth and assessing individual student needs or deficiencies, to utilize such local assessments in place of end-of-grade or end-of-course assessments, if provided for in the terms of the local school system's flexibility contract. As used in this subsection, the term 'flexibility contract' means a charter for a charter system or a charter school or a contract entered into with the State Board of Education for a strategic waivers school system."

SECTION 2.

Said title is further amended in Part 12 of Article 6 of Chapter 2, relating to effectiveness of educational programs in elementary and secondary education, by adding a new Code section to read as follows:

"20-2-286.
(a) Beginning with the 2018-2019 school year, the State Board of Education shall establish an innovative assessment pilot program to examine one or more alternate assessment and accountability systems aligned with state academic content standards. The pilot program shall span from three to five years in duration, as determined by the state board and may include up to ten local school system participants. A consortium of local school systems implementing the same innovative alternate assessment may participate in the pilot program and shall be counted as one of the ten pilot program participants. The participating local school systems shall be selected by the state board in a competitive process and based on criteria established by the state board, including current compliance with the terms of their charter system contract or strategic waivers school system contract.
(b) The local school systems participating in the pilot program shall be authorized to design and implement an innovative alternate assessment and accountability program which may include, but shall not be limited to, cumulative year-end assessments, competency based assessments, instructionally embedded assessments, interim assessments, performance based assessments, or other innovated assessment designs approved by the State Board of Education. In order to allow the time and resources for the participating local school systems to implement an innovative alternate assessment and accountability program, the state board shall be authorized to reduce the state-wide testing
requirements for such local school systems for the duration of the pilot program for end-of-grade and end-of-course assessments as contained in Code Section 20-2-281.

(c) Notwithstanding Code Sections 20-2-82, 20-2-244, and 20-2-2065, the State Board of Education shall be authorized to waive, for the duration of the pilot program, all or a portion of the requirements of Part 3 of Article 2 of Chapter 14 of this title for local school systems participating in the pilot program, but may replace any such accountability requirements with alternate requirements as specified in the local school system's charter system contract or strategic waivers school system contract.

(d) Each local school system participating in the pilot program shall amend its charter system contract or strategic waivers school system contract to reflect the innovative alternate assessment and accountability system that will be utilized during the term of the pilot program. Any local school system in the pilot program that is not complying with the terms of its charter system contract or strategic waivers school system contract may be removed from the pilot program at the sole discretion of the state board and shall be subject to the state-wide assessment requirements contained in Code Section 20-2-281 and the accountability system provided for in Part 3 of Article 2 of Chapter 14 of this title.

(e) The State Board of Education shall take all reasonable steps to obtain any necessary waivers or approvals and maximum flexibility from the U.S. Department of Education to facilitate the implementation of the innovative assessment pilot program within the confines of federal law, including any appropriate changes to the state-wide accountability system established in the state plan for Georgia pursuant to the federal Every Student Succeeds Act that are necessary for the local school systems participating in the pilot program.

(f)(1) The State Board of Education may contract with an external, independent third party with expertise in innovative and flexible approaches to assessment systems to assist in the development and implementation of one or more innovative alternate assessment and accountability systems. Such independent third party shall have access to and expertise from external technical experts, including technical experts in states that have pursued innovative and flexible approaches, in state assessment and accountability systems as well as knowledge and experience in the federal Every Student Succeeds Act and its implementing regulations.

(2) The State Board of Education shall consult with and provide coordination with the Office of Student Achievement in the development and implementation of the pilot program established pursuant to this Code section.

(3) The State Board of Education and the Department of Education shall contract with an external, independent third party to evaluate comparability between the innovative assessments, including norm referenced assessments, and the state-wide assessments.
including for subgroups of students, and shall identify strategies that may be used to scale
the innovative assessment to all local school systems state-wide. The State Board of
Education shall determine initial performance based baselines and accountability
requirements for local school systems participating in the pilot program.

(4) Local school systems participating in the pilot program shall be encouraged to
collaborate amongst each other during the course of the pilot program.

(g) No later than December 31, 2019, and annually thereafter for the duration of the pilot
program, the Department of Education shall submit a detailed written report, approved by
the State Board of Education, on the implementation and effectiveness of the innovative
assessments pilot program to the Governor, the Speaker of the House of Representatives,
and the President of the Senate. The final report shall also include recommendations as to
the expansion of the pilot program state-wide and estimated costs of implementation."

SECTION 3.

Said title is further amended by revising Code Section 20-14-31, relating to establishing
standard for satisfactory performance under the education accountability assessment, as
follows:

"20-14-31.

Except as otherwise provided in this article, the office shall establish the levels of
performance 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; provided, however, that local school systems participating in the
innovative assessments pilot program established pursuant to Code Section 20-2-286 shall
only be measured on the reduced specific end-of-grade and end-of-course assessments as
specified in the local school system's flexibility contract, as amended for participation in
the innovative assessment pilot program."

SECTION 4.

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