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STATE BOARD OF EDUCATION
September 26, 2019

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**MINUTES OF THE
STATE BOARD OF EDUCATION MEETING**

Atlanta, Georgia
Mr. Scott Johnson, Chairman

September 26, 2019
Mr. Richard Woods, State School Superintendent

On Thursday, September 26, 2019, the State Board of Education assembled to consider its committee work, conduct its public hearings, and take action on official business.

Roll Call – Committee of the Whole
September 26, 2019

Mr. Scott Johnson, Chair
Mr. Mike Long
Dr. Butch Mosely
Ms. Helen Rice

Ms. Lisa Kinnemore
Mr. Kenneth Mason
Mr. Scott Sweeney
Mr. Mike Royal
Mr. Jason Downey

Mr. Kevin Boyd
Ms. Lee Anne Cowart
Mr. Trey Allen
Mr. Larry Winter

On September 26, 2019, at 9:00 a.m., Chairman Scott Johnson called the meeting to order. At 9:05 a.m., by motion of Ms. Lisa Kinnemore and a second by Mr. Larry Winter, a unanimous affirmative vote was given to enter into Executive Session for the purpose of discussing appeals, legal, and personnel matters.

On September 26, 2019, at 10:30 a.m., Operations Committee met to consider State Board items to be presented at the September 26, 2019, State Board meeting.

Roll Call – State Board Meeting
September 26, 2019

Mr. Scott Johnson, Chairman
Mr. Mike Long
Dr. Butch Mosely
Ms. Helen Rice

Ms. Lisa Kinnemore
Mr. Kenneth Mason
Mr. Scott Sweeney
Mr. Mike Royal
Mr. Jason Downey

Mr. Kevin Boyd
Ms. Lee Anne Cowart
Mr. Trey Allen
Mr. Larry Winter

At 1:00 p.m., on Thursday, September 26, 2019, Chairman Scott Johnson called the meeting to order.

At 1:00 p.m., by motion of Ms. Helen Rice and a second by Mr. Kevin Boyd, an affirmative vote was given to exit Executive Session.

Guest Recognition

Chairman Scott Johnson recognized special guests including Ms. Deborah White with Georgia Association of Curriculum and Instructional Support; Mr. Donovan Head, Governor's Office of Student Achievement; Ms. Brandy Sabb and Mr. Alex Chavarry with The College Board; Mr. Andrew Kutscher with Cobb County Schools; Mr. Jeremy Williams, Ms. Sarah Bell, Ms. Christy Moore and Ms. Tonya Sanders with Gainesville City Schools; Mr. Marquis James and Ms. Katherine Hornsby with the Technical College System of Georgia; Mr. Ian Carraway with the Governor's Office; Mr. Rob Johnson with NWEA; Mr. Justin Old with Pioneer RESA; Dr. Keith Everson with NEGA RESA; and Dr. Neil Campbell and Mr. Jeff Breedlove with Georgia Recovery Alliance.

Invocation/Inspiration/Pledge of Allegiance

Chairman Johnson called upon Mr. Kevin Boyd to provide the invocation.

Mr. Boyd then introduced representatives from the Gainesville City School System to provide the inspiration. Mr. Boyd then led the Pledge of Allegiance.

Public Hearing

Pursuant to the public notice and posting of the agenda, the Chair asked if there were any comments from the public regarding State Board Rule - 160-5-4-.16 Education Facility Site, Construction and Reimbursement. No one signed up to speak.

Superintendent's and Chair's Reports

The State Board of Education received the following reports:

1. Superintendent's Report to the Board:
 - a.) Standards Survey Update – Chief of Staff Matt Jones, provided an update on the standards survey.

2. Chair's Report to the Board:
 - a.) Georgia Recovers National Recovery Month – Ms. Neil Campbell, Georgia Council of Substance Abuse and Mr. Jeff Breedlove, Program Director, provided an update on the important work being done by the Georgia Recovers program.
 - b.) Matt Krull Recognition – Chairman Scott Johnson recognized Mr. Matthew Krull for his short but impressive and important service on the State Board.
 - c.) Governor's Statewide Listening Tour – Ms. Helen Rice provided information on the Valdosta, Georgia Governor's Listening Tour.
 - d.) State Board Retreat Team Building Project – Mr. Justin Old from Pioneer RESA announced an event that will take place during the 2019 State Board of Education Retreat in Augusta, Georgia on October 6-9 and encouraged Board member participation.

(Please note that the items in their entirety, with backup material and attachments 1-2, can be found on the State Board of Education's Simbli website September 26, 2019, State Board meeting.)

ACTION ITEMS

AGENDA

By motion of Mr. Larry Winter and a second from Ms. Lisa Kinnemore, a unanimous affirmative vote was made to approve the Agenda for the September 26, 2019, State Board meeting.

CONSENT AGENDA

By motion of Mr. Kenneth Mason and a second by Ms. Helen Rice, a unanimous affirmative vote was made to approve the Consent Agenda for the September 26, 2019, State Board meeting.

1. **Called State Board Meeting Minutes – September 13, 2019.** The State Board of Education approved the minutes of the September 13, 2019, called State Board meeting.
2. **Called Executive Session Minutes - August 29, 2019.** The State Board of Education approved the minutes of the August 29, 2019, called State Board Executive Session meeting.
3. **Called State Board Meeting Minutes - August 29, 2019.** The State Board of Education approved the minutes of the August 29, 2019, called State Board meeting.
4. **Executive Session Minutes - August 21, 2019.** The State Board of Education approved the minutes of the August 21, 2019, State Board Executive Session meeting.
5. **August State Board Meeting Minutes.** The State Board of Education approved the minutes of the August 22, 2019, State Board meeting.
6. **Legal.** The State Board of Education approved the September Legal Report as presented.
7. **Case Number 2019-47. N.H. vs Grady County Board of Education.** The State Board of Education affirmed the dismissal of Case #2019-47.
8. **Case Number 2019-45. K.G. vs Henry County Board of Education.** The State Board of Education affirmed the decision of the local board in Case #2019-45.
9. **Case Number 2019-17-RLB1. Kelia Smith vs DeKalb County Board of Education.** The State Board of Education affirmed the dismissal of Case #2019-17-RLB1.
10. **Personnel.** The State Board of Education approved the September 2019 Personnel Report as presented.

POLICY/RULES COMMITTEE ITEMS

1. **EAP- State Board Rule - 160-3-1-.07 TESTING PROGRAMS - STUDENT ASSESSMENT (REINITIATE)**. Upon motion from Ms. Helen Rice and a second from Mr. Mike Long, the State Board of Education unanimously approved State School Superintendent to reinstate rulemaking procedures in accordance with the Georgia Administrative Procedure Act so as to amend State Board of Education Rule 160-3-1-.07 TESTING PROGRAMS - STUDENT ASSESSMENT.

EXECUTIVE SESSION ITEMS

1. **Individual Legal Case 2019-35**. Chair of Appeals, Ms. Lisa Kinnemore, recommended that Legal Case 2019-35. T.S. vs Cherokee County Board of Education be reversed. Upon motion from Mrs. Kinnemore and a second from Mr. Kevin Boyd, the State Board of Education unanimously approved the recommendation as presented.
2. **Individual Legal Case 2019-42**. Chair of Appeals, Ms. Lisa Kinnemore, recommended that Legal Case 2019-42. N.S. vs DeKalb County Board of Education be reversed. Upon motion from Mrs. Kinnemore and a second from Mr. Kevin Boyd, the State Board of Education unanimously approved the recommendation as presented.
3. **Individual Legal Case 2019-48**. Chair of Appeals, Ms. Lisa Kinnemore, recommended that Legal Case 2019-48 Mercedes Hammock v Clayton County Board of Education be reversed and remanded. Upon motion from Mrs. Kinnemore and a second from Mr. Kevin Boyd, the State Board of Education unanimously approved the recommendation as presented.

The minutes of the Operations Committee and Executive Session are located in the Appendices as 1-2.

ADJOURNMENT

At 2:15 p.m., by motion of Mr. Jason Downey and a second by Ms. Helen Rice, a unanimous affirmative vote was given to adjourn the State Board meeting. The next meeting of the State Board of Education is scheduled for Thursday, November 7, 2019, at 9:00 a.m.

Respectfully submitted,
Debbie Caputo
Recording Secretary



State Board of Education
Operations Committee Minutes
 September 26, 2019

Mr. Scott Johnson, Chairman
 Mr. Mike Long
 Mr. Butch Mosely
 Ms. Helen Rice
 Ms. Lisa Kinnemore
 Mr. Kenneth Mason

Mr. Scott Sweeney
 Mr. Mike Royal
 Mr. Jason Downey
 Mr. Kevin Boyd
 Ms. Lee Anne Cowart
 Mr. Trey Allen
 Mr. Larry Winter

Mr. Richard Woods
 Mr. Matt Jones
 Mr. Reggie Lampkin
 Dr. Tiffany Taylor
 Ms. Meghan Frick

I. Committee Agenda Items

- a. ***Other Business Items Recommendations*** – Requested that Item #1 under Other Business Items be moved for a separate vote to reinstate the Board Rultto the Committee of the Whole agenda.
- b. ***Superintendent's Report to the Board:***
 - a.) Standards Review Update – Mr. Matt Jones
- c. ***Chair's Report to the Board:***
 - a.) Georgia Recovers National Recovery Month – Dr. Neil Campbell, Georgia Council of Substance Abuse
 - b.) Matt Krull Recognition – Chairman Scott Johnson
 - c.) Listening Session at Valdosta State University – Ms. Helen Rice
 - d.) State Board Retreat Update – Mr. Justin Old, Pioneer RESA and Mr. Kevin Boyd



State Board of Education
Executive Session Minutes
September 26, 2019
9:00 a.m.

Attendees

| | | |
|--------------------|------------------------------|--------------------|
| Mr. Mike Long | Mr. Scott Sweeney | Mr. Matt Jones |
| Mr. Butch Mosely | Mr. Kevin Boyd, Vice Chair | Mr. Reggie Lampkin |
| Ms. Helen Rice | Ms. Lee Anne Cowart | Ms. Arveeta Turner |
| Ms. Lisa Kinnemore | Mr. Scott Johnson, Chair | Ms. Susan Haynes |
| Mr. Kenneth Mason | Mr. Trey Allen | |
| Mr. Mike Royal | Mr. Larry Winter | |
| Mr. Jason Downey | Superintendent Richard Woods | |

Agenda

1. **Personnel.** Ms. Arveeta Turner presented the September personnel action items to the Committee for discussion. (Attachment A)
2. **Legal.** Mr. Reggie Lampkin briefed the committee members on certain pending litigation and appeals. Refer to Legal Memorandum dated September 26, 2019, for a summary of September legal matters.
3. **Other Business**
 - a) **Attorney-Client discussion occurred.**

Adjournment

The Executive Session adjourned at 10:00 a.m.



Georgia Department of Education

Richard Woods, Georgia's School Superintendent

"Educating Georgia's Future"

**Recommended Personnel Actions – Appointments
State Board of Education Meeting
September 26, 2019**

Summary of Appointment Recommendations

State Superintendent of Schools Richard Woods recommends the following Georgia Department of Education at-will appointments:

| Name | Job Title | Organizational Unit |
|------------------|---|-------------------------------------|
| Yoshana Hill | Sr. Manager Legal Program Staff Attorney | External Affairs |
| Jill Curtis | Education Program Specialist | Federal Programs Title IV-PartA |
| Matthew Smith | Education Research Analyst 3 | Federal Programs Title IV-Part A |
| Jacinta Anderson | Language & Literacy Mentor | Chief Turnaround Office |

160-3-1-.07 TESTING PROGRAMS - STUDENT ASSESSMENT.

(1) DEFINITIONS.

(a) Assessing Comprehension and Communication in English State to State for English Language Learners (ACCESS for ELLs) – an English language proficiency test administered annually to all English learners (EL) in Georgia for the purposes of determining the English language proficiency level of students; providing districts with information that will help them evaluate the effectiveness of their ESOL programs; providing information that enhances instruction and learning in programs for English learners; assessing the annual English language proficiency gains using a standards-based assessment instrument; and providing data for meeting federal and state requirements with respect to student assessment.

(b) Accommodation – an allowable alteration in the administration of an assessment that assists students with access to participate in an assessment and is clearly documented within a student’s Individualized Education Program (IEP), Section 504 Individual Accommodation Plan (IAP), or English Learner (EL) Testing Participation Plan. An accommodation is provided to a student during an assessment so that the assessment measures what the student knows and is able to do.

(c) Conditional Accommodation – a more expansive accommodation that provides access for students with more severe disabilities or limited English proficiency who would not be able to access the assessment to demonstrate their achievement without such assistance.

(d) Conditional Administration – a test administration in which a more expansive accommodation is utilized to provide access to an assessment for a small number of eligible students with more

severe disabilities or more limited English proficiency and who, therefore, would not be able to access the assessment without such assistance.

(e) **English Learner (EL) Student** – a student whose primary or home language is one other than English and who is eligible for services based on the results of an English language placement assessment and, if warranted, additional assessments specified in Rule 160-4-5-.02 Language Assistance: Programs for English Learners (ELs).

(f) **English Learner Monitored (EL-M) Student** – a student whose primary or home language is not English and who, based on state English to Speakers of Languages (ESOL) program criteria, has exited the ESOL program or an alternative language assistance program in the past four years as provided for in State Board Rule 160-4-5-.02 Language Assistance: Program for English Learners (ELs) (2)(a) 4(iv).

(g) **EL Testing Participation Committee** – a committee convened to make testing decisions for EL students. This committee can serve as part of the Language Assessment Conference as defined in 160-4-5-.02 Language Assistance: Programs for English Learners.

(h) **Georgia Alternate Assessment (GAA)** – an alternate assessment based on alternate achievement standards for students with significant cognitive disabilities identified and served in accordance with the Individuals with Disabilities Education Act (IDEA) and whose IEP team has determined the students are unable to reasonably participate in the regular assessment program. The purpose of the GAA is to ensure all students, including students with significant cognitive disabilities, are provided access to the state- adopted content standards and given the opportunity to demonstrate progress toward achievement of the state standards.

(i) **Georgia Department of Education (GaDOE)** – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.

(j) **Georgia Kindergarten Inventory of Developing Skills (GKIDS)** – a performance assessment designed to provide teachers with information about the level of instructional support needed by individual students enrolled in kindergarten and their readiness for first grade.

(k) **Georgia Milestones Assessment System (Georgia Milestones)** – a criterion-referenced test, administered in grades 3 – 8 at the end of each grade and high school at the end of each SBOE identified course designed to measure student mastery of the state’s content standards as an indicator of preparedness for the next grade, course, or educational endeavor, be that college or career. Georgia Milestones includes a norm-referenced component to provide national comparison data.

(l) **Grade-Level Student** – a student who is reported to the GaDOE at a grade level in accordance with Rule 160-5-1-.07 Student Data Collection.

(m) **Individualized Education Program (IEP)** – a written statement of special education, related services, and, as appropriate, transition services, that meets the unique needs of the student with a disability. An IEP also includes any specific test administration accommodations, needed instructional modifications, and supports for the student with a disability. The IEP is developed, reviewed, and revised by an appropriately staffed IEP team, including the student’s parent(s). (Rule 160-4-7-.21 Definitions).

(n) **Individuals with Disabilities Education Act (IDEA)** – the federal law that was enacted to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies, and federal agencies to provide for the education of students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities. (Rule 160-4-7-.21 Definitions).

(o) **Language Proficiency Assessment** – an assessment of an EL student's: (1) progress in the acquisition of the English language in the areas of listening, speaking, reading and writing; and (2) attainment of a prescribed level of performance in listening, speaking, reading, and writing to enable a student to communicate independently and effectively in both social and academic settings.

(p) **Modification** – an alteration in the administration of an assessment that results in a change in the content or construct being assessed, typically either through the addition or removal of content; modifications are strictly prohibited on state assessments.

(q) **National Assessment of Educational Progress (NAEP)** – a federally mandated and funded assessment program that is designed to collect information about what fourth, eighth, and twelfth grade students know and can do in a variety of key subject areas and is administered to a sample of students in all states.

(r) **Non-standard Administration** – a test administration in which the procedures and directions included in the administration manual are not followed exactly.

(s) **Norm-referenced Test (NRT)** – a test designed to provide information on how well students perform in comparison to an external reference group or norm group.

(t) **Section 504 Student** – a student who currently has an impairment that substantially limits one or more major life activities, who has a record of such impairment or who is regarded as having such an impairment, and who may not be eligible for services under IDEA.

(u) **Special Education** – specially designed instruction provided at no cost to parents that meets the unique needs of a student with a disability. Special education includes instruction in the classroom, in the home, in hospitals, institutions and other settings, physical education, travel training and vocational education. (Rule 160-4-7-.21 Definitions).

(v) **Standard Accommodation** – a test administration accommodation that provides access to the assessment without altering the construct measured by the assessment.

(w) **Standard Administration** – a test administration in which the procedures and directions included in the administration manual are followed exactly.

(x) **Standard Setting** – a research-based process that involves subject matter experts and stakeholders using both judgmental methods and performance data to determine the number correct scores (i.e., cut scores) required to achieve established performance levels.

(y) **State Board of Education (SBOE)** – the constitutional authority which defines education policy for the public K-12 education agencies in Georgia.

(z) **Student with Disabilities** – a student who is classified as disabled according to Rule 160-4-7-.21 Definitions (10) and/or according to Section 504 of the 1973 Rehabilitation Act [34 C.F.R. §104.33 (a)]

(2) GEORGIA STUDENT ASSESSMENT PROGRAM REQUIREMENTS. Each local system shall assess all students using SBOE-designated assessment instruments, as required. An IEP team, under limited circumstances and in accordance with GaDOE and federal guidelines, may consider the SBOE-approved alternate assessment for a small number of students with significant cognitive disabilities (approximately 1%) who receive special education services and are unable to participate in the general assessment. The SBOE-approved alternate assessment based on alternate achievement standards shall be the Georgia Alternate Assessment (GAA) for students in grades K – 12 in language arts, mathematics, science, and social studies. All EL students must participate annually in the state-adopted English proficiency assessment.

(a) KINDERGARTEN ASSESSMENT.

1. Each local school system shall assure that the following requirements are met.

(i) All kindergarten students shall be assessed using the Georgia Kindergarten Inventory of Developing Skills (GKIDS) during their kindergarten year as the school readiness assessment for first grade, and

(ii) Only certified teachers of kindergarten or first grade students and who have been trained in the use of the GKIDS, shall administer the assessment.

2. The local school system shall use information obtained from the administration of the GKIDS to make placement decisions on an individual student basis. Documentation that supports an individual retention decision shall be on file in the student's permanent record. The information obtained by the GKIDS shall be used as part of the required written documentation. The student's parent/guardian shall be notified of the final placement decision. The local school system shall provide alternative, and

developmentally appropriate instruction to students who spend a second year in kindergarten.

(b) **FIRST-GRADE ASSESSMENT.** Subject to appropriations, local systems shall administer a formative assessment with a cumulative component that is tied to performance indicators in reading and mathematics in grade one.

(c) **SECOND-GRADE ASSESSMENT.** Subject to appropriations, local systems shall administer a formative assessment with a cumulative component that is tied to performance indicators in reading and mathematics in grade two.

(d) **THIRD-GRADE ASSESSMENTS.** Local systems shall assess all third-grade students with the state-adopted English/language arts and mathematics tests annually according to a schedule established by the SBOE.

(e) **FOURTH-GRADE ASSESSMENT.** Local systems shall assess all fourth-grade students with the state-adopted English/language arts and mathematics tests annually according to a schedule established by the SBOE.

(f) **FIFTH-GRADE ASSESSMENTS.** Local systems shall assess all fifth-grade students with the state-adopted English/language arts, mathematics, science, and social studies tests annually according to a schedule established by the SBOE.

(g) **SIXTH-GRADE ASSESSMENT.** Local systems shall assess all sixth-grade students with the state-adopted English/language arts and mathematics tests annually according to a schedule established by the SBOE.

(h) **SEVENTH-GRADE ASSESSMENT.** Local systems shall assess all seventh-grade students with the state-adopted English/language arts and mathematics tests annually according to a schedule established by the SBOE.

(i) **EIGHTH-GRADE ASSESSMENTS.** Local systems shall assess all eighth-grade students with the state-adopted English/language arts, mathematics, science, and social studies tests annually according to a schedule established by the SBOE.

(j) **END-OF-COURSE (EOC) ASSESSMENTS.** Local school systems shall assess students at the completion of core high school courses specified by the SBOE, in accordance with O.C.G.A. 20-2-281 (a), to measure student achievement in the four content areas of English/Language Arts, Mathematics, Science, and Social Studies.

1. With the exception of the following courses, Ninth Grade Literature and Composition, Algebra I, Coordinate Algebra, and Biology, a student shall be exempt from taking the end-of-course assessment for a core subject course if he or she earns a post-secondary credit in that course through dual enrollment pursuant to O.C.G.A. 20-2-149.2 or 20-2-161.3. Postsecondary grades earned, in this situation, shall be used in the state accountability system. All students enrolled in Ninth Literature and Composition, Algebra I, Coordinate Algebra, and Biology must take the EOC.

2. With the exception of the following courses, Ninth Grade Literature and Composition, Algebra I, Coordinate Algebra, and Biology, a student shall be exempt from taking the end-of-course assessment for a core subject course if he or she passes an Advanced Placement (AP) course in a related subject pursuant to O.C.G.A. §20-2-159.4 or if he or she passes an International Baccalaureate (IB) course in a related subject. Grades earned in Advanced Placement or International Baccalaureate courses, in this situation, shall be used in the state accountability system. All students enrolled in Ninth Grade Literature and Composition, Algebra I, Coordinate Algebra and Biology must take the EOC.

3. Individuals no longer enrolled in a Georgia public school, who were not eligible for a diploma solely as a result of not achieving a

passing score on the former graduation assessments (i.e., Basic Skills Test, Georgia High School Graduation Tests, Georgia High School Writing Test), may submit a petition to their local school system to determine their eligibility for a diploma as provided for by O.C.G.A. 20-2-281.1.

(k) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) Local school systems shall participate in the NAEP assessment programs.

(3) STUDENT ASSESSMENT RESPONSIBILITIES FOR SPECIAL POPULATIONS.

(a) STUDENTS WITH DISABILITIES WHO RECEIVE EDUCATIONAL SERVICES DEFINED BY AN IEP OR SECTION 504 ACCOMMODATION PLAN. Local systems shall ensure that all students with IEPs or Section 504 Accommodation Plans participate in the state and local assessment programs. The IEP or Section 504 Accommodation Plans for these students shall identify the state-approved accommodations required to enable participation.

1. Decisions related to the participation in and identification of any needed accommodations in administration shall be made by the IEP team in the Individualized Education Program (IEP) review or by the Section 504 Individual Accommodation Plan (IAP) committee in its meeting.

2. All students with disabilities shall be coded according to the primary disability for each assessment in which they participate. Student participation in and performance on all assessments shall be accurately documented within each student's IEP or IAP so that state and federal reporting guidelines can be met and so that performance outcome measures can be monitored for compliance.

3. Accommodations must be provided for students with disabilities as identified in the IEP or Section 504 IAP.

Accommodation decisions made by the appropriate IEP or Section 504 IAP committee shall take into account the accommodations that are currently used in the instructional or classroom assessment process and must be part of the usual instructional practice for the student. Additionally, these committees shall consider whether the accommodation is necessary for access to the assessment process, previous experience with and the usefulness of the recommended accommodation, and whether or not the recommended accommodation impacts the integrity of the assessment. Students shall receive the accommodations they need in order to meaningfully participate in the assessment, but should not be given more than is necessary to meaningfully participate. The majority of students are expected to participate in the regular assessments with only a small percentage requiring a conditional/nonstandard administration. Only state-approved accommodations may be included in an IEP or Section 504 IAP.

4. Accommodations can result in administrations of the assessment that are either standard or conditional. *Standard administration* refers to testing conditions in which the procedures and directions are administered **exactly** as described in the test administration manual and non-altering accommodations are used. *Conditional administration* refers to use of more expansive accommodations utilized to provide access for a small percentage of students with more severe disabilities who would not be able to access the assessment without such assistance. Conditional accommodations shall be used sparingly as the majority of students requiring accommodations are able to successfully demonstrate their achievement with standard accommodations. The use of conditional accommodations must be required by the student to access the test because of his or her disability and documentation substantiating the need shall be included in the student's IEP along with specific instructional goals to address the need. Assessments differ in what results in standard and conditional administrations. Specific information concerning the standard or conditional nature of an accommodation is published annually in the *Student*

Assessment Handbook and in the respective testing administration materials that accompany each assessment (e.g., Examiner's Manual and Directions for Administration). Should an individual student need an accommodation not on the approved list for a state test, approval must be granted by the Assessment and Accountability Division of the GaDOE before the accommodation may be used.

5. All students must be assessed annually using the appropriate state-mandated assessments listed in section (2) of this rule.

6. When an IEP team determines that a student at any grade level is not able to participate in an administration of any local or state-mandated assessment, even with reasonable accommodations, the IEP team will document the reasons and make the necessary alternate assessment decision for that student following the state-approved participation guidelines. For the state-mandated assessments listed in Paragraph (2) of this rule, the alternate assessment based on alternate achievement standards shall be the GAA. A relatively small percentage of students (approximately 1%) are expected to participate through an alternate assessment.

7. Students with significant cognitive disabilities participating in the GAA must be provided access to the state-adopted content standards. Educators may adjust the learning expectations for this group of unique students provided the instruction is based on and aligned to the grade-level content standards. Instruction may reflect pre-requisite skills but must be sufficiently challenging for the individual student.

8. Compliance standards, reporting and enforcement. All students are expected to participate in all state-mandated assessments including students pursuing a Special Education Diploma. Most students are expected to participate in standard administrations, with a small percentage (less than 3%) under conditional administrations and a small percent (approximately 1%) in the GAA.

(i) Student participation in and performance on all state-mandated assessments, including the GAA shall be accurately documented so that state and federal reporting guidelines can be met and so that performance outcome measures can be monitored for compliance.

(ii) All students with disabilities shall be included in the accountability reporting process.

(I) All participation data and results data shall be available to the Office of Student Achievement (OSA) for the process of evaluating and rating school systems.

(II) The results of the GAA shall be included as part of the state accountability system and system report cards.

(III) The local system and GaDOE shall monitor participation rates for each assessment program, including alternate assessments, and the usage of accommodations, including conditional accommodations.

(IV) The GaDOE shall automatically monitor/investigate any local system not meeting assessment participation rate requirements. All remaining local school systems will be monitored on a rotational basis as a part of the regular scheduled monitoring process. Failure to meet those requirements may result in sanctions ranging from imposition of corrective action plans to withholding of funds.

(V) The GaDOE will review results of all administrations and explore additional reporting formats to create meaningful and useful information from the results of standard and conditional/nonstandard administrations and the GAA.

(b) ENGLISH LEARNER STUDENTS

1. Students who have been defined as English Learner (EL) shall participate in all assessment programs. These students shall be coded EL on each test. If a student has exited the ESOL program or an alternative language assistance program in the past four years, the student shall be coded EL-M on each test. A student who has been exited for more than four years from the ESOL program shall not be coded as EL or EL-M on each test.

2. In certain situations, individual needs of EL and EL-M students may warrant accommodations. These accommodations shall be determined by and recorded during a documented meeting of the EL Testing Participation Committee. Those students identified as EL-M may receive, based on individual need, standard state-approved accommodations for a maximum of two years after exiting ESOL or an alternative language assistance program. At the end of the first two years of the monitoring period, EL-M students are no longer eligible for test administration accommodations. Testing accommodations shall be made only when appropriate documentation is on file for each eligible student. Administration of the assessments and use of test administration accommodations, including conditional accommodations for those students with very limited English proficiency, shall be according to established guidelines and procedures in the test administration manual(s), *Examiner's Manual* and the *Student Assessment Handbook*. Accommodation decisions made shall take into account the accommodations that are currently used in the instructional or classroom assessment process and must be part of the usual instructional practice for the student. Additionally the EL Testing Participation Committee shall consider experience with and utility of the accommodation and whether or not the recommended accommodation impacts the integrity of the assessment. Conditional accommodations shall be used sparingly and shall not be assigned to EL-M students. The local system and DOE shall monitor participation rates for each assessment program, and the usage of accommodations, including conditional accommodations.

3. The EL Testing Participation Committee shall be composed of a minimum of three members, one of whom is a certified educator. The EL/ ESOL teacher/ paraprofessional/ aide currently serving the student with English language assistance is required to be a member of the committee. The remaining members shall be chosen from the following: regular language arts, reading or English teacher; student's parent or legal guardian or the student, if 18 years or older; school administrator; other content area teachers; counselor; school psychologist; and lead teacher. Documentation of each EL Testing Participation Committee shall be placed in the student's permanent record. These documents shall contain the following information: names of participants; date(s) of meeting(s); date of entry into U.S. schools; test scores proving eligibility for ESOL services; the dates of administration and the name of the tests to be administered; alternatives considered (i.e., regular administration, accommodations); final action including specific accommodations for each test/subtest consistent with current instructional accommodations; signatures of committee members, school administrator and, parent, legal guardian or student if 18 years or older. The list of tests to be administered must include all state assessments that are mandated for the student's grade level. In addition to these state assessments, students who are required to participate in language proficiency tests under Title III of the Elementary and Secondary Education Act must participate in the language proficiency test prescribed by the state.

4. EL students enrolling for the first time in a U.S. school must participate in all SBOE-designated assessments and must be coded as a first time in U.S. school enrollee in state-required data collections. All scores resulting from the administration of state assessments will be removed from any statewide accountability calculations for the first year of a newly-arrived EL student's enrollment in a US school. Though not used for statewide accountability purposes in the first year, such scores will serve as

the baseline for student growth calculations and be included beginning in year two of such students' enrollment. Both achievement and growth will be included in statewide accountability calculations beginning in the third year of enrollment. .

(4) TESTING REGULATIONS AND PROCEDURES. Local school systems shall adhere to all written regulations and procedures relating to testing and test administration, including the distribution and collection of test materials, test security, use of test results and official testing dates established in the *Student Assessment Handbook*, test administration manuals such as *System Coordinator's Manual*, *School Test Coordinator's Manual*, and *Examiner's Manual*, and assessment supplements and correspondence.

(a) Assessment guidelines shall be reviewed annually.

(b) The local system shall ensure that individual student assessment scores become a part of students' records as soon as possible after testing and that records follow students to their new schools when requested as specified in Rule 160-5-1-.14 Transfer of Student Records.

(c) Scores for an individual student shall be made available only to said student, to the parent(s) or legal guardian(s) of said student, and to appropriate local, state, and federal governmental agencies as provided by state and federal law.

(d) Local school systems shall provide individual student score reports for all state-mandated assessments to the parent(s) or legal guardian(s) in a timely manner.

(e) Procedures shall be followed in compliance with O.C.G.A. § 19-7-5, Reporting of Child Abuse, and O.C.G.A. § 16-10-50, Hindering Apprehension and Punishment of a Criminal, for

reporting individual writing assessments which fall under the designated situations.

(f) All assessments shall be administered by Georgia-certified educators.

(g) Local systems shall train and orient any persons involved directly or indirectly in the assessment process and procedures required for appropriate and secure administration of all state-mandated assessments.

(h) Allegations of failure to follow procedures required for appropriate and secure administration of state-mandated assessments shall be reported to the GaDOE and the Ethics Division of the Professional Standards Commission.

(i) All students shall be assessed in English.

(j) The GaDOE shall provide pre-printed student labels for all mandated tests listed in Paragraph (2) Georgia Student Assessment Program Requirements, and local systems must use these labels as directed in the *Student Assessment Handbook* and in the *Examiner's Manuals* for the various tests.

(k) In accordance with applicable state promotion and retention policies and laws, students who do not participate in state mandated tests shall not be promoted to the next grade. For EL students enrolled in their first year in a U. S. school placement decisions shall be made on an individual student basis by the EL Testing Participation Committee and be consistent with local school board policy.

(l) In cases where promotion and retention specifies the administration of an alternate test as a requirement for promotion to the next grade level in grades three, five, and eight, such assessment shall be an alternate version of the state-adopted test for that grade level.

(5) STAFF DEVELOPMENT.

(a) 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 in the effective utilization of test results and other appropriate applications as determined by the SBOE, and may be provided by either the GaDOE or the local unit of administration.

Authority O.C.G.A. § 16-10-50; 19-7-5; 20-2-131; 20-2-140; 20-2-142; 20-2-150(a); 20-2-151; 20-2-154(a); 20-2-240(a); 20-2-242; 20-2-281; 20-2-282; 50-18-70.