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EDUCATION Elementary and Secondary Education: Add Certain Provisions Relating to Local School Councils; Change Certain Provisions Relating to Educational Program Effectiveness Assessment Procedures; Add Certain provisions Related to School Attendance Zone Transfers; Add Certain provisions Related to Juvenile Court Jurisdiction Over Parents; Change Certain provisions Related to Teacher Tenure; Add Certain provisions Relating to the Creation and Operation of the Education Coordinating Council and the Office of Education Accountability

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**EDUCATION**

*Elementary and Secondary Education: Add Certain Provisions Relating to Local School Councils; Change Certain Provisions Relating to Educational Program Effectiveness Assessment Procedures; Add Certain Provisions Related to School Attendance Zone Transfers; Add Certain Provisions Related to Juvenile Court Jurisdiction Over Parents; Change Certain Provisions Related to Teacher Tenure; Add Certain Provisions Relating to the Creation and Operation of the Education Coordinating Council and the Office of Education Accountability*

**CODE SECTIONS:**


**BILL NUMBER:**

HB 1187

**ACT NUMBER:**

685

**GEORGIA LAWS:**

2000 Ga. Laws 618

**SUMMARY:**

The Act, known as the “A Plus Education Reform Act of 2000,” implements the most sweeping changes within the Georgia educational system at the pre-kindergarten, elementary, and post-secondary levels since passage of the Quality Basic Education Act in 1985. With ninety-eight sections, the Act affects areas ranging from the jurisdiction of juvenile courts within the Georgia educational system to the creation of an Education Coordinating Council and an Office of Education Accountability. During legislative debate, some sections of the Act were more controversial than others. Due to the size of the Act, only those areas that received the most attention in debate and the press are discussed herein (Sections 10, 51, 56, 68, 72, and...
93 of the Act). The Act creates local school councils and defines the councils' make-up and duties. The Act changes the manner in which elementary and secondary level students are tested and provides for end-of-course testing for secondary level students. Further, the Act permits school districts to bus students out of their assigned attendance zones to another zone when the child's parents requested a change in schools and when the school that the child is leaving meets certain criteria. The Act allows a school board to petition the local juvenile court to order parents of children with disciplinary problems to attend school conferences. The Act provides that all educators hired after July 1, 2000, will not be eligible for tenure. Finally, the Act creates the Education Coordinating Council and the Office of Education Accountability. These two offices will, among other things, evaluate all schools and assign funding and payment of financial resources based on each school's respective performance.

**EFFECTIVE DATE:**
July 1, 2000

**History**

The A Plus Education Reform Act of 2000 represents the first major overhaul of the Georgia educational system within the past fifteen years.\(^1\) The General Assembly last addressed issues affecting Georgia's educational system in 1985 when it passed the Quality Basic Education Act (QBE).\(^2\) Governor Roy Barnes,

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2. See id.
the chief proponent of the Act, believes the Act's focus on accountability will foster positive changes in the Georgia educational system and insure Georgia's economic success and continued prosperity. In pushing for the Act's passage, the Governor sought to make schools more responsible for the quality of education they provide. The Act will effect more than 1.4 million Georgia school children.

In the past, educational systems were evaluated based on the amount of time and resources invested in individual students. Thus, schools and school districts were judged based on "the numbers of students in each classroom, teachers' salaries, the number of books in the library, etc." The fewer students in each classroom, the more money spent on buying new textbooks, the more computers in classrooms, the better the school. The A Plus Education Reform Act, however, is a standards-based reform system, focusing on teacher, administrative, and parental responsibility for student performance. Standards-

4. See Audio Recording of the Governor's Education Reform Address, Jan. 13, 2000 <http://www.ganet.org/services/leg/audio/video.html>. In his address to the General Assembly on January 13, 2000, Governor Barnes commented, "Year after year, the education bureaucracy says, 'Don't mind the test scores, things aren't really so bad. In fact, we're doing a pretty good job.' You know, it's cute when you see an 8-year-old look sheepishly up at the teacher and say 'The dog ate my homework.' It's not cute when it comes from the people responsible for educating our children." Id.
7. Id.
8. See id.
9. See 2000 Ga. Laws 618. The Act uses inclusive language, meaning that the high standards that the Act establishes for student and teacher performance applies to all students (the general classroom population and special education students).

Inclusion and inclusive education mean that students attend school along with their age and grade peers. A truly inclusive schooling environment is one in which students with the full range of abilities and disabilities receive their in-school educational services in the general education classroom with appropriate in-class support. In an inclusive education system, the proportion of students labeled for special education services is relatively uniform for the school within a particular school district and reflects the proportion of people with disabilities in society at large.

See Strieker, supra note 6, at 3 (citing State Board Connection, National Association
based education reform evaluates the process through which educators teach and how students perform comparatively.\textsuperscript{10} Policy decisions and standards are determined at the state rather than the local school board level, as they would be under older educational models.\textsuperscript{11}

HB 1187 was one of the most controversial pieces of legislation introduced in the Georgia General Assembly during the 2000 session.\textsuperscript{12} It was so controversial, in fact, that the Senate Education Committee held meetings regarding the bill even before the bill had gained the House’s approval.\textsuperscript{13} A number of professional educators’ associations both supported and criticized the Act.\textsuperscript{14} Whether or not these groups supported the Act often depended on the respective association’s view of tenure.\textsuperscript{15} The Professional Association of Georgia Educators (PAGE) supported the bill, once the General Assembly included tenure for those hired before July 1, 2000, and incorporated a written, fair dismissal policy for new hires.\textsuperscript{16} The Georgia Association of Educational Leaders (GAEL) and the Georgia School Superintendents Association also supported the bill.\textsuperscript{17} The Georgia Association of Educators (GAE), however, strongly opposed the bill.\textsuperscript{18}


10. \textit{See} Strieker, supra note 6, at 4.

11. \textit{See} id. at 5.


14. \textit{See} id.

15. \textit{See} id.

16. \textit{See} id.; \textit{see also} Christmas Letter, supra note 5.


18. \textit{See} Jones, supra note 12. In opposition to the bill, Essie Stewart Johnson, President of GAE and a Savannah high school educator, stated:

\begin{quote}
We hope that Governor Barnes and all legislators will listen to Georgia voters before they pass legislation that will be unfair to all teachers. If we hope to attract the best and the brightest to teach in Georgia, we need to
Many critics of HB 1187 voiced concerns that by removing control of the Georgia education system from the State Board of Education, the legislation placed too much control with the Governor's office. Others criticized the manner in which the Governor "pushed" the bill through the General Assembly, all the while delivering the strong message that his bill would indeed pass and become Georgia law.

Prior to the bill's passage, the Governor anticipated that local school districts might complain that the bill would upset already established programs and require a reduction in staff size. The Governor's office repeatedly stated that the state pays for more teachers than local school boards actually hire. In fact, local school districts often used money earmarked for teacher salaries to fund support staff positions, administration, or special programs. The Governor argued that the bill would simply require that school boards use the money to hire new teachers rather than for other expenses. When implementing the mandates of the Act, school boards would be forced to reevaluate their funding design, finding new sources of money for extra administration costs, teacher aids, and special programs.

Even after the bill's passage in the General Assembly, Governor Barnes remained extremely protective of the Act. In assure them that they will be fairly treated by our school boards.

Id. The GAB sponsored a poll of Georgia voters; the poll showed that a majority of voters favored allowing educators to appeal their termination. See id. This majority also believed that only a small portion of the teachers working in their respective local schools were below average. See id. Further, they believed that removing tenure would make it easier to fire under-performing teachers and replace them with educators who would meet state standards. See id.

19. See id.
20. See id.
21. See James Salzer, Barnes Did Homework for Bill, ATLANTA J. & CONST., Mar. 26, 2000, at D4. The Governor, in an attempt to "provide the appearance of ... inclusive, grassroots reform, while developing a statewide, pre-session buzz," sponsored six months of education commission hearings, where business leaders, politicians, and educators were provided a forum in which they could voice their concerns about the bill. Id.
22. See id.
23. See id.
24. See id.
25. See id.
one instance, Chatham County officials publicly complained that they would have to raise property taxes and cut other county-funded programs in order to bring the Savannah area school system into compliance with the Act’s mandates.\textsuperscript{27} Following the complaint, Barnes immediately responded with a strong letter condemning the officials’ complaints, stating that although the Act would necessitate changes in the county’s funding structure, any tax increases or budget cuts were solely the fault of a poorly run county government.\textsuperscript{28} In his letter, the Governor stated, “Rather than stepping up to the plate and accepting responsibility for this past diversion of funds, you and your board are attempting to blame HB 1187. While blaming the fruits of your misdeeds on the very law which will end them is certainly creative, it is also shameful.”\textsuperscript{29} Barnes’s letter caused great stir among the Act’s critics.\textsuperscript{30} They argued that the Governor’s letter was a “warning shot” that the Governor “would crush any opposition” to the Act.\textsuperscript{31}

Governor Barnes has vowed that the Act is only his first foray into improving the Georgia educational system.\textsuperscript{32} The Governor has called the Act a “framework” through which he hopes to build greater education reform in coming years.\textsuperscript{33} The Governor’s advisors have stated that some of the Governor’s possible future reforms include: saving money to build new schools that will be required as local school boards comply with the Act’s mandate; reducing class size over the next few years; strengthening the curriculum to get better performance of

\textsuperscript{27} \textit{See} id.
\textsuperscript{28} \textit{See} id.
\textsuperscript{29} \textit{See} id.
\textsuperscript{30} \textit{See} id.
\textsuperscript{31} \textit{See} id.
\textsuperscript{32} \textit{See} James Salzer, \textit{Barnes: School Bill Just the Start}, \textit{Atlanta J. & Const.}, Apr. 20, 2000, at B5.
\textsuperscript{33} \textit{See} id. Governor Barnes stated:
Some people say these reforms aren’t necessary. Some people say our schools are doing just fine. Some people say these reforms will cause the sky to fall. ... Well, 50th in the nation in SAT scores isn’t fine, and we are going to do something about it, no matter who opposes it. If it works, we’ll do more of it. If it doesn’t, we’ll try something else. But we are going to do something about education in Georgia—this year and next year, and every year. This is just the first step on a long road.
middle-school students; and ensuring that colleges and universities train quality teachers.  

**HB 1187**

**Introduction**

HB 1187 was introduced in the House on January 14, 2000. Representatives Charlie Smith, Jr. of the 175th District, Winfred Dukes of the 161st District, Thomas Murphy of the 18th District, Mary Jeanette Jamieson of the 22nd District, DuBose Porter of the 143rd District, and Maretta Mitchell Taylor of the 134th District, sponsored the bill. The House assigned the bill to its Education Committee, which favorably reported the bill, as substituted, on February 8, 2000. The Committee made a total of one hundred changes to the bill.

**Consideration by the House Education Committee**

**Local School Councils**

The Education Committee substitute changed language in Code section 20-2-86, providing that the term of office for all school council members shall begin on July 1 and end on June 30 of the following year, rather than the September 1 “start-date” proposed by the original version of the bill. These

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34. See Barnes Planning Next Education Proposal Reforms Needed, Advisor Contests, AP Newswires, Apr. 10, 2000, available in Westlaw, GANEWS. Dr. Jim Puckett, the Executive Director of the Georgia Association of Educational Leaders (GAEL), commented that he believes the next round of education reform in Georgia should focus on leadership training. See Telephone Interview with Dr. Jim Puckett, Executive Director of the Georgia Association of Educational Leaders (July 7, 2000) [hereinafter Puckett Interview]. The Act’s mandate of smaller class sizes will also help inclusive initiatives. See Telephone Interview with Dr. Toni Strieker, Principal Investigator for Project WINS (Winning Ideas Network of Georgia Schools) at Kennesaw State University (July 6, 2000). Dr. Toni Strieker commented that since HB 1187 requires smaller class sizes, or smaller teacher/student ratios, schools must use co-teaching, redeploy their teachers, and require collaboration. See id.


new dates affected the training session calendar as well; mandatory training sessions for new school council members will be held in July. Additionally, the substitute added language that requires the State Board of Education to develop and make available a model school council training program.

The substitute excluded school employees who are parents or guardians of students enrolled in the same school from serving on that respective school’s council. The substitute provided that the school council must meet at least once a month or at the request of a majority of the members. Moreover, the substitute provided that all reports and meetings of the school council would be open to the public, pursuant to Chapter 14 of Title 50, in the same fashion as local school board meetings are open to the public.

The Committee substitute eliminated the money and audit provision found in the original version of the bill. That provision would have vested school councils with the power to raise and deposit funds for the council’s use. Further, the substitute eliminated a provision that stated that the local school board must act within sixty days to overturn an action taken by a school council. The original provision further mandated that if the school board does not take any action within sixty days of the action, then the action would function as official school policy.

Education Effectiveness Assessment Procedures

The Committee substitute changed language in Code section 20-2-281, broadening the group of tests that the State Board of Education will use to assess Georgia’s performance in comparison with other school systems on a national and international basis. The substitute also required that the answers to the end-of-year assessment instruments be released “for a period not less than the first two years of the administration of the assessment instrument . . . during the school year in which the instrument is administered.” Further, the Committee substitute omitted the provision mandating that “overall student performance data shall be disaggregated by ethnicity, sex, socioeconomic status, disability, language proficiency, grade level, subject area, school, and system.” The substitute also omitted a provision that permitted the General Assembly to appropriate additional funds for any other assessment procedures deemed necessary by local school systems.

Tenure

The Education Committee substitute recast subsection (d) of Code section 20-2-942 to state that anyone hired as a teacher after July 1, 2000, will not acquire rights to tenure. The substitute also indicated that this Code section would not affect those teachers who acquired tenure rights prior to July 1, 2000.

LEGISLATIVE REVIEW

From the House Education Committee to the House Floor

Prior to passing HB 1187, members of the House proposed fifteen floor amendments to the Education Committee substitute, but all of them failed.55 The amendments ranged from restating the tenure issue so teachers would have maintained their right to receive a written statement describing why they were fired (37 votes for and 134 against), to adopting a voucher system which would have allowed students from schools that received a "D" or an "F" grade under the new assessment procedures to receive money from the state to attend a local private school (62 votes for and 106 against).56 Republicans proposed another amendment that would have created a high school Bible history elective class, an amendment to end social promotion (passing students into the next grade even though they have not satisfied the requirements of passing the current grade level), and an amendment to keep control of accountability programs in Georgia under the authority of the State Board of Education and the State School Superintendent.57 Another amendment would have provided that each student's score on the comprehensive year-end tests would be averaged into the student's final grade for each respective class.58 The amendment failed (73 votes for and 104 against).59

Two House amendments proposed by Democrats sought to preserve tenure.60 Both amendments were voted down, the first receiving 37 votes for and 134 votes against, and the second

56. See Jones, supra note 12; see also House Audio, supra note 55.
57. See Jones, supra note 12; see also House Audio, supra note 55.
58. See House Audio, supra note 55 (remarks by Rep. Kathy Cox). Representative Kathy Cox of the 105th District argued that students need an incentive to perform well on standardized tests. See id. By including students' scores on comprehensive end-of-year tests in their final grades, the state would provide students with an effective incentive to take the tests seriously. See id. Thus, the tests would more accurately reflect students' knowledge and the quality of the Georgia educational system. See id.
59. See House Audio, supra note 55. Representative Cox's amendment received the most "yes" votes of any of the amendments. See id. She moved for reconsideration of her amendment and received 77 votes for and 94 votes against. See id.
60. See Jones, supra note 12; see also House Audio, supra note 55.
proposed amendment receiving only 29 votes for and 147 votes against. Finally, the House passed HB 1187, as substituted, on February 10, 2000.

Consideration by the Senate Education Committee

The Senate referred the bill to the its Education Committee which favorably reported the bill, as substituted, on February 22, 2000. The Committee made forty-one changes to the bill. In total, the House and Senate made over 140 changes to the bill.

The Senate Committee substitute changed language in Code sections 20-2-85 and 20-2-86. The revised provision required that the public have at least two weeks notice prior to the meeting of the council’s electing body. The substitute also defined the electing body for the parent and teacher members of the school council.

From the Senate Education Committee to the Senate Floor

After receiving approval from the Senate Education Committee, HB 1187 moved to the Senate floor. Prior to its passage, several Senators attempted to amend the bill; however, all of these amendments failed. The Senate passed HB 1187 on February 24, 2000.

61. See Jones, supra note 12; see also House Audio, supra note 55.
62. See Georgia House of Representatives Voting Record, HB 1187 (Feb. 10, 2000). The vote was 136 to 41. See id. Only four House Democrats voted against the bill. See id. A majority of House Republicans voted for the bill (40 out of 78). See id.; see also Russ Bynum, Barnes Wins Strong Education Victory in the House, AP NEWSWires, Feb. 10, 2000, available in Westlaw, GANIEWS.
64. See Jones, supra note 38.
65. See Christmas Letter, supra note 5.
71. See Georgia Senate Voting Record, HB 1187 (Feb. 24, 2000).
To Conference Committee

Both the House and Senate insisted on their versions of HB 1187, so they appointed a conference committee on February 29, 2000. The Conference Committee report addressed the portions of the bill dealing with local school councils and education effectiveness assessment procedures.

The Conference Committee substitute provided that the bylaws of a school council must define when a council member is no longer active and may therefore be removed. This version stated that once a council seat is vacated, for whatever reason, the vacancy shall not be filled unless there are more than ninety days remaining in the term of the council. The substitute further required the State Board of Education to develop and make available to all school councils model school council bylaws. Further, the substitute added the goal of working to improve student achievement and performance to the list of council members’ responsibilities. The substitute also provided that the school principal must provide the school council with copies of the school’s initial and midterm allotment sheets, which are given to school principals by the Department of Education.

Furthermore, the Conference Committee version added language to mandate that the questions and answers to each end-of-course test be released after the last time the instrument is administered for a school year. Additionally, this version provided that local school boards shall have the option of

allowing scores on end-of-course tests to be counted as part of a student’s final grade in a respective course.\textsuperscript{80}

Both the House and the Senate adopted the Conference Committee report on March 16, 2000.\textsuperscript{81} Governor Roy Barnes signed HB 1187 into law on April 25, 2000.\textsuperscript{82}

\textit{The Act}

\textit{Local School Councils}

Section 10 of the Act inserts a new article in Chapter 20 of Title 20, designated 4A, which mandates the creation of a school council at each public school in Georgia.\textsuperscript{83} School council membership is comprised of the principal of the school, two parents of children enrolled in the school, two teachers who are employed at the school, and two business persons from the local community.\textsuperscript{84} The school principal, who will serve as the chairperson of each council, shall provide at least two weeks notice prior to the election of incoming members.\textsuperscript{85} The electing body for parent representatives is comprised of all parents and

\begin{itemize}
\item[81.] \textit{See} Georgia House of Representatives Voting Record, HB 1187 (Mar. 16, 2000); Georgia Senate Voting Record, HB 1187 (Mar. 16, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000. Following the bill’s final legislative approval, State School Superintendent Linda C. Schrenko released a scathing response to the Act’s passage:
\begin{quote}
Last night, we lost an opportunity to reform public education in Georgia. Instead of real education reform, the House and Senate passed a bill that only gives a false hope of education reform. This bill does not address the issues that are critical to every parent, child, teacher, and citizen in this state: reading, writing, and math improvement. And under HB 1187, children in failing schools will have to wait six years before interventions are finalized. HB 1187 missed the mark on the number one issue, safety. This bill does not address safety in our schools or discipline in the classroom. Furthermore, this piece of legislation does not address the issue of social promotion. Instead of doing what is best for children, the people who wrote this bill forgot to help children excel in academics.
\end{quote}
\item[82.] \textit{See} 2000 Ga. Laws 618, § 88, at 754. In a “made-for-TV-moment,” Governor Barnes signed the Act into law at Jackson Elementary School in Gwinnett County, amidst a “tight circle” of students from the school. \textit{See} Salzer, \textit{supra} note 32.
\item[83.] \textit{See} O.C.G.A. §§ 20-2-85 to -86 (Supp. 2000).
\item[84.] \textit{See id.} § 20-2-86(d).
\item[85.] \textit{See id.} § 20-2-86(g).
\end{itemize}
guardians of children enrolled in a respective school.\textsuperscript{56} The electing body for the teacher representatives is comprised of all certified teachers and personnel employed at the school.\textsuperscript{57} The council is charged with providing advice, recommendations, and assistance to the local board of education on a variety of matters including curriculum, the school budget, selection of a new principal, and evaluating the performance of school personnel.\textsuperscript{53} When the school council makes a recommendation to the board of education, the board is required to respond to the recommendation within sixty days.\textsuperscript{59} After the school council has established itself as a successful entity, the local board of education is to increase the authority of the council by transferring some of its duties to the school council.\textsuperscript{53} Additionally, school council members are required to participate in any hearing mandated by the State Board of Education related to a school's poor performance.\textsuperscript{91} The State Board of Education will develop model bylaws for all councils.\textsuperscript{52}

\textit{Education Effectiveness Assessment Procedures}

Section 51 of the Act amends Chapter 2 of Title 20 by striking and replacing in its entirety Code section 20-2-281, which relates to student testing and the assessment of the effectiveness of educational programs.\textsuperscript{93} The replacement section requires that all students in grades one through eight complete Criterion Reference Competency Tests (CRCTs), which test English, math, language arts, and reading.\textsuperscript{94} Students will be tested in social studies and science in grades three through eight.\textsuperscript{95} The questions and answers to these end-of-course tests and CRCTs

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{56} See id.
\item \textsuperscript{57} See id.
\item \textsuperscript{58} See id. § 20-2-86(s).
\item \textsuperscript{59} See id. § 20-2-88(q).
\item \textsuperscript{60} See id. § 20-2-86(a).
\item \textsuperscript{61} See id. § 20-2-88(s).
\item \textsuperscript{62} See id. § 20-2-86(b).
\end{itemize}
\end{footnotesize}
will be released each year. 98 Georgia schools must participate in norm-referenced tests and the National Assessment of Education Progress (NAEP) and any other national or international performance tests. 97 This section eliminates both the High School Graduation Test and funding for locally developed assessments. 98 The State Board of Education may issue to the local school board a waiver from implementing state CRCTs for any or all of the subject areas and grade levels for which the local school board implements locally developed CRCTs based on the Quality Core Curriculum. 99 The local tests, however, must have higher standards than that of the state CRCTs. 100 Local school boards of education may allow the scores on the end-of-course tests to be counted toward a student's final grade in the course. 101

School Attendance Zone Transfers

Section 56 of Act amends Part 13 of Article 6 by adding Code section 20-2-294. 102 Pursuant to this new Code section, parents or guardians of students who live close to a school that is nearer to their home than the school to which they are assigned may request to attend the closer school, even if the school is across county lines. 103 Determination of school proximity is made by the State Board of Education. 104 If the closer school is across county lines, the receiving system can bill the originating system for the difference between what that system expends to

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103. See id. § 20-2-294(c).
104. See id.
educate the child and the amount paid by the originating system.105

Parents or guardians of students who attend a school that does not have available permanent classroom space may petition the local school board of education to enroll the student in another school within the district in which the student resides.106 The target school, however, must have permanent classroom space available to accept the transfer students.107

**Juvenile Court Jurisdiction Over Parents**

Section 68 of the Act amends Chapter 2 in Subpart 3 of Part 2 of Article 16, which relates to students with chronic disciplinary problems, by adding new Code section 20-2-766.1.108 Pursuant to this section, juvenile courts may fine parents for failing to attend student-teacher conferences.109 The juvenile courts are also given the authority to order parents to participate in programs or treatment that the court determines necessary to improve student behavior.110

**Tenure**

Section 72 of the Act amends Code section 20-2-942 by adding new subsection (d).111 Teachers who are hired after July 1, 2000, are not eligible for tenure.112 However, teachers who were hired prior to July 1, 2000, retain the right to acquire tenure.113

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105. *See id.*
106. *See id.* § 20-2-294(b).
107. *See id.*
109. *See id.*
110. *See id.*
The Education Coordinating Council (ECC) and the Office of Education Accountability (OEA)

Section 93 of the Act amends Title 20 by adding at the end of the title a new chapter, designated Chapter 14. Section 20-14-2 creates the Education Coordinating Council (ECC). Members of the ECC include the Governor, the State School Superintendent, the Chair of the State Board of Education, the Chancellor of the University System of Georgia, the Chair of the Board of Regents, the Commissioner of the Department of Technical and Adult Education, the Executive Secretary of the Professional Standards Commission, the Chair of the Professional Standards Commission, and the Director of the Office of School Readiness. The Governor will serve as chairperson of the ECC, which will meet on a quarterly basis. Rather than creating new staff positions, support staff from offices represented on the ECC will be responsible for the ECC's administrative work.

The ECC is vested with four broad purposes: (1) encouraging interagency communication regarding educational policy and programs, (2) helping to create a seamless public education program in Georgia, (3) preventing unnecessary duplication of services within Georgia's education system, and (4) overseeing all education accountability programs. The ECC has the power to make and execute legal documents on behalf of the state education system, apply for federal grants, deposit and invest funds, and promulgate rules and regulations. The ECC is also vested with fifteen specific duties. These duties include monitoring accountability systems in the various departments of the education system and coordinating state, regional, and local cooperative public education agencies, offices, or councils. The ECC will have access to the records and documents generated by all departments, agencies, and boards.

114. See O.C.G.A. § 20-14-1 to -80 (Supp. 2000).
115. See id. § 20-14-2.
116. See id. § 20-14-3.
117. See id.
118. See id. § 20-14-6.
119. See id. § 20-14-1.
120. See id. § 20-14-7.
121. See id. § 20-14-8.
122. See id.
within the Georgia educational system. The ECC will also have similar access to all legislative and judicial records regarding the Georgia educational system.

The Act also creates the Office of Education Accountability (OEA). The Governor appoints the Director of the OEA and determines the Director's salary, but the ECC governs the director's actions. The OEA’s purpose is to set accountability policies and standards for the state, thus generating a “report card” upon which all schools will be graded. The report card will contain two grades: The first grade will reflect the performance of a school’s student body on state mandated standardized tests, and the second grade gauges the school’s rate of improvement over the previous year’s score. The teachers at a school which earns an “A” on this report card will each receive a $1000 bonus. If the school earns a “B,” each teacher will receive a $500 bonus. The Act provides that bonuses will also be given to all support staff at a school which earns an “A” or a “B.”

Should a school earn a “D” or an “F,” however, the school will be classified as failing. These schools will have the choice of receiving on-site advice from one of eight five-member improvement teams from the Department of Education, or the school may choose to hold a public hearing from which the school will draft a plan of improvement. Should a school receive a failing grade for two or more years, the State Board of Education may appoint a management team. If a school receives a failing grade for three years, the state board may create a charter school to replace the failing school, reconstitute the failing school, remove faculty members from the failing school, or allow parents to remove their children from the failing school.

123. See id. § 20-14-9.
124. See id.
125. See id. § 20-14-25.
126. See id.
127. See id. § 20-14-26.
128. See id. § 20-14-33.
129. See id. § 20-14-38.
130. See id.
131. See id.
132. See id. § 20-14-41.
133. See id.
134. See id.
school and send them to other passing schools in the same school district. Should a school refuse to comply with these sanctions, the school will lose all state funding for administrators and principals.

**Opposition to HB 1187**

**Local School Councils**

Many educators and administrators voiced concerns that school councils would usurp the power of boards of education, making policy choices that were not reflective of all relevant issues. One prominent Georgia educator complained that the Act created 1800 local school councils which could "override local elected school boards on budgets, curriculum, staffing, dress codes, employment and 'any matter' they choose." Some principals voiced concern over the effect the school council will have on a principal's ability to remain in charge of a school's policies and procedures.

**School Attendance Zone Transfers**

Prior to the passage of the Act, several Georgia school districts participated in "majority-to-minority" busing programs. A product of federal court initiatives to desegregate schools, the programs were responsible for transporting minority students, principally African-American students, to schools where due to the racial makeup of the target school, the transported students were considered the minority. Many critics of the busing zone provision in the Act argued that the majority-to-minority programs have already strained county transport costs and that

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135. *See id.*
136. *See id.*
137. *See Ice, Super Bowl Fail, supra note 3.*
138. *Analyzing H.B. 1187, AUGUSTA CHRON., Jan. 18, 2000, at A4; see also Allison Doolittle, Decrees Scapegoating of Teachers, AUGUSTA CHRON., Feb. 11, 2000, at A4 (letter to the editor).*
141. *See Brett, supra note 140.*
any call for additional transportation funding would create problems for school district budgets.142 The student assignment (crowded-to-less-crowded) busing program will replace the majority-to-minority programs in many school districts throughout Georgia.143

Critics of the new busing provision note that the Act also calls for smaller class sizes.144 They argue that these two provisions will be at loggerheads with one another because smaller class sizes will reduce the number of schools with seats available for transfer students through the crowded-to-less-crowded program.145 Other critics argue that if smart students leave failing schools through the crowded-to-less-crowded program, such an exodus will only encourage further “brain drain” in a failing school rather than helping it to improve.146 These critics argue that students should not have to transfer schools to get a quality education.147

Tenure

Prior to the Act’s passage, Georgia teachers were reviewed by their principals, who observed each teacher during the school year and then wrote a report about the teacher’s performance.143 This report was the chief factor in determining whether the teacher’s contract was renewed for the following year.149 Those who argued against maintaining tenure suggested that these evaluations were not taken seriously by teachers or administrators.150 Teachers were regularly graded as having

142. See Ed J. Grisham, Governor’s Reform Bill Needs More Revision, AUGUSTA CHRON., Feb. 22, 2000, at A5. Steve Monroe, executive director of transportation in the Fulton County school system, commented, “When we start having children choose schools outside their immediate neighborhood, transportation costs go up significantly. . . . There will be increased costs and loss of efficiency, and increased strain on human resources.” Id.
143. See id.
145. See id.
146. See id.
147. See id.
149. See id.
150. See id.
good performance, even though their skills were below average. Governor Barnes commented that principals are afraid to grade teachers on a tougher scale because they feared the long and arduous appeals process (generated by the tenure system) should a principal decide that a teacher should be terminated.

Georgia’s teacher evaluation system was created by the Quality Basic Education Act (QBE) of 1985. This evaluation system resulted in many teachers being fired and generated much employment litigation, thus encouraging the State Board of Education to drop the evaluation instrument in the late 1980’s, with the majority of the statutory teacher evaluation system being gutted by the time current State School Superintendent, Linda Schrenko, was elected in 1995. Critics of tenure stated that removal of the broad-based evaluation system gives too much power to local school boards, encouraging lax evaluation standards and the continued employment of below-standard educators.

The Education Coordinating Council and Office of Education Accountability

This section of the Act was criticized as “shift[i]ng power dramatically to the state and away from the local elected school boards and individual school principals.” Some activists criticized the creation of the ECC and the OEA as merely encouraging red tape: “it [will] be interesting to watch all these bodies reporting to each other and recommending to each other, with the common target being the individual local schools, school systems, colleges and various boards and councils.”

151. See id.
152. See id.
153. See id.
154. See id.
155. See id. Governor Barnes sought to eliminate tenure so as to eliminate protection of teachers who do not meet state mandated standards. See Education Plan Tough but Necessary, ATLANTA J. & CONST., Feb. 6, 2000, at F4. In his State of the State Address, which followed the introduction of HB 1187 on the House floor, Governor Barnes emphasized the need to maintain high standards for Georgia educators when he stated: "Unless we make sure that our children have consistently good teachers, we are holding them back." Id.
156. See Analyzing H.B. 1187, supra note 138; see also Doolittle, supra note 138.
157. Analyzing H.B. 1187, supra note 138. Dr. Jim Puckett commented that the specific
Others voiced concern that awarding teachers monetary bonuses based on a school’s overall performance on standardized tests was unfair. These critics argued that scores on standardized tests often relate to the nature of the socioeconomic community in which the school is located. Therefore, schools located in richer communities are far more likely to perform well consistently on these standardized tests, and those schools in poorer communities will consistently perform badly. These bonuses would be an incentive for teachers to leave the poorer schools and seek employment at schools that test well. Other critics commented that the Act places too much emphasis on testing and ignores parental influence in determining a student’s educational performance. Other critics argued that the evaluation process set up under the accountability system will take too long to implement. These critics voiced concern about those schoolchildren who are presently in failing schools. The accountability system will not take effect for approximately another five years.

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areas of responsibility for the ECC and the OEA must be clearly defined to avoid overlap or gaps between them. See Puckett Interview, supra note 34. 158. See Grisham, supra note 142. 159. See id. 160. See id. 161. See id. 162. See Walter C. Jones, Proposal Gets Tough on Failing Schools, ATLANTA J. & CONST., Jan. 23, 2000, at A1. Ellen Harrison, spokesperson for the Fells County Board of Education, stated, “The recipe for student achievement is rather complex. The one, somewhat elusive element that no legislator and no school official could ever account for is what’s happening in that child’s home.” Id. 163. See Educational Plan Not Bold Enough, ATLANTA J. & CONST., Feb. 9, 2000, at A16. 164. See id. 165. See id.