

2019-2020 State Board of Education Waivers for Local Education Agencies in Response to COVID-19 Pandemic

The State Board of Education is granted the authority to waive parts of Title 20 of the Official Code of Georgia Annotated, as well as State Board of Education Rules, for all Local Education Agencies (LEA), as well as the State Schools, the Department of Juvenile Justice and the Department of Corrections when unforeseen events and occurrences result in an LEA's inability to comply with Title 20 and State Board of Education Rules.¹ In response to the impact and effects of the COVID-19 pandemic on LEAs and schools, and in recognition of the additional supports and flexibility necessary for LEAs to continue and resume education services for Georgia's students, the State Board of Education, as recommended by State School Superintendent Richard Woods, waives the following education laws and rules for all LEAs for the remainder of the 2019-2020 school year.²

- **Awarding Units of Credit and Acceptance of Transfer Credits/Grades: O.C.G.A. §20-2-159.3; O.C.G.A. §20-2-159.4 (c); SBOE Rule 160-5-1-.15(2)(d)(3) and (4), and (2)(h)**
Flexibility will allow districts greater ability to award credit based on district determination of student competency.
- **Career Education: SBOE Rule 160-4-8-.08**
Flexibility will allow districts to revise their advisement schedules to meet student priority needs.
- **Categorical Allotment Requirements: O.C.G.A. §§ 20-2-167, 20-2-184.1**
Flexibility will allow districts to develop and manage their budgets based on district and school improvement plans or needs, without limitation based on state-required use of funds.
- **Certification: O.C.G.A. §§ 20-2-200, 20-2-201**
Flexibility will allow districts and schools to select qualified applicants based on knowledge and expertise, particularly in regard to difficult-to-fill positions, without limitation based on certification requirements. (Does not apply to special education certification.)
- **Class Size and Reporting: O.C.G.A. § 20-2-182; SBOE Rule 160-5-1-.08**
Flexibility will allow schools to better manage human resources to meet student needs and enable districts to better manage financial resources in support of school staffing needs.

¹ O.C.G.A. §20-2-168(c)(2) allows the State Board of Education (SBOE) to authorize local boards of education to depart from the definition of school year and the number of days of instruction when the President of the United States proclaims a national emergency or when the Governor proclaims a state of emergency. On March 13, 2020, President Donald Trump declared the outbreak of COVID-19 a national emergency. On March 14, 2020, Governor Brian Kemp declared a Public Health State of Emergency in the State of Georgia due to the public health emergency of COVID-19. Additionally, 178 Local Education Agencies (LEAs) have performance contracts per Article 4 of Title 20 that grant them increased flexibility. O.C.G.A. §20-2-82 and O.C.G.A. §20-2-244 grant the SBOE the authority to waive laws and regulations for Local Education Agencies that have a flexibility contract and request specific waivers.

² On March 16, 2020, the Georgia General Assembly passed a Resolution concurring with Governor Kemp's declaration of a public health state of emergency. As a result of this declaration, O.C.G.A. §38-3-51(d)(1) grants the Governor the authority to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster. Governor Kemp, through this authority, ordered the suspension of parts of O.C.G.A. §20-2-244 (a),(d) and (g) to allow the State Board of Education the ability to quickly grant waivers to school systems to address student needs during, and as a result of, the COVID-19 Pandemic.

- **Competencies / Prescribed Courses: O.C.G.A. §20-2-142**
Flexibility will allow districts and schools to revise courses of study and sequencing of curriculum around locally developed competencies.
- **Comprehensive Health/Physical Education Program: O.C.G.A. §20-2-777(a)(1); SBOE Rule 160-4-2-.12(2)(b) and (g)**
Flexibility will allow the districts and schools the ability to adjust minimum contact hours and provide a waiver from annual assessment requirements.
- **Direct Classroom Expenditures and Expenditure Controls: O.C.G.A. § 20-2-171**
Flexibility will allow districts to expend funds based on district and school needs, rather than state-required categories.
- **Educational Programs: O.C.G.A. §§ 20-2-154(b), 20-2-154.1, 20-2-156 and SBOE Rule 160-4-2-.38, SBOE Rule 160-4-5-.01(2)(d)**
Flexibility will allow schools to be more nimble in devising delivery models that meet student needs in the areas of Remedial Education, English Language Learner, and/or Gifted services.
- **Georgia Virtual School Funding and Tuition: O.C.G.A §20-2-319.1(b)(2)**
Flexibility will allow districts to enroll a class of students in a moderated, asynchronous online course for the tuition rate of \$250 per group of no more than 45 students (as long as there is a local staff member with whom the Georgia Virtual School member would coordinate).
- **Graduation Requirements and Seat Time: SBOE Rule 160-4-2-.48(6)(i)**
Flexibility will allow districts to award credit for course completion upon mastery of course standards at any time during the semester and waive the clock hour requirements for students to earn a Carnegie Unit of credit during the regular school year and for summer schools. Flexibility will also allow for the substitution of equivalent or higher-level requirements.
- **Organization of Schools / Middle School Programs / Scheduling: SBOE Rule 160-4-2-.05(2)(c), (d), (e), and (g)**
Flexibility will allow districts and schools to devise instructional and operational plans in response to student needs, without limitation based on state-determined organizational and time requirements.
- **Personnel Required: SBOE Rule 160-5-1-.22**
Flexibility will allow districts to make personnel decisions and adjustments based on student and operational needs.
- **Promotion and Retention: O.C.G.A. §§ 20-2-283, 20-2-284; SBOE Rule 160-4-2-.11**
Flexibility will allow districts to waive, modify, or set promotion/retention criteria, as well as protocols for making placement decisions in a timely manner.
- **Scheduling for Instruction: O.C.G.A. §§ 20-2-160 (except to the extent it relates to funding), 20-2-168(c)(1)**
Flexibility will allow districts and schools to schedule for instruction in ways that may better meet the needs of students, without the limitation of instructional time requirements set by the state.

- **School Day and School Year for Students and Employees: O.C.G.A. §§ 20-2-151, 20-2-160(a), 20-2-168(c)(1); SBOE Rule 160-5-1-.02**
Flexibility will allow districts to waive the allotted requirements of instruction time at each level to focus time on areas of priority for student achievement and course completion. Flexibility will waive the 180-day or the equivalent requirement.
- **Statewide Passing Score: SBOE Rule 160-4-2-.13(2)(d) and (f)**
Flexibility waives the requirement that the Georgia Milestones End-of-Course (EOC) assessment shall be used as the final exam in the courses assessed by a Georgia Milestones EOC and waives the requirement that the numeric score on the Georgia Milestones EOC shall count for 20% of the student's final numeric grade in the course assessed by the Georgia Milestones EOC.
- **Student Assessments: O.C.G.A. §20-2-281; SBOE Rule 160-3-1-.07**
Flexibility will waive the administration of, and related requirements for, state assessments scheduled for late Spring 2020 administration.