



# Report From the Capitol

Presented by  
Georgia School Superintendents Association

*This publication will provide the reader with a synopsis of various educational bills that GSSA tracked during the 2008 session of the General Assembly. Report from the Capitol can also be viewed on the GSSA website at [www.gssanet.org](http://www.gssanet.org).*



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## **A Report on Selected Education Legislation Adopted by the Georgia General Assembly in the 2008 Session**

The following is a summary of selected education legislation adopted in the 2008 session of the Georgia General Assembly. The Governor's signature piece of legislation (HB 1290) is summarized in the report's first section on "accountability." All other legislation is grouped by topic.

### **I. Accountability:**

#### **House Bill 1209—IE<sup>2</sup>**

This bill is the first legislation to emerge from the work of the Governor's Task Force, which has been in operation for 3+ years and was originally charged with re-vamping the funding process for Georgia schools. The resulting bill deals with the structuring of schools, but makes no mention of changes in the Quality Basic Education funding mechanism, other than some minor flexibility regarding expenditure controls. Instead, it focuses on systems developing strategic plans to be used to negotiate contracts with the state for flexibility, conditioned upon accountability and possible consequences for non-performance. Procedures are outlined to allow systems to opt for the "status quo" and forgo the contracts, and some minor changes are made to laws relating to local school superintendents.

Voluntary contracts with the State Board of Education must be based on a system's five-year **strategic plan** that addresses accountability, flexibility and consequences if goals are not met in order to be approved by that body. Those plans must include:

- a. Performance data, grade levels and demographic data for all schools in the system;
  - b. Performance goals regarding improvement, achievement, and monitoring progress toward annual goals;
  - c. Incorporation of school improvement plans, if they already exist;
  - d. Application on an electronic template designed by DOE;
  - e. Possible inclusion of waivers or variances of specific state rules, regulations, policies or procedures as outlined in strategic plan, but:
    - i. No civil rights, insurance, safety, conflicting interest transactions, prevention of unlawful conduct or reporting requirements are eligible for waivers or variances.
    - ii. No tuition can be charged.
    - iii. Open-enrollment must be continued.
2. If a system wishes to opt out and continue the "status quo:"
    - a. LEA must hold a public hearing with appropriate advertisement;
    - b. LBOE must sign a SBOE form stating their intention to opt for the "status quo."
  3. The contract must be written and signed with a balance among accountability, flexibility, and consequences:

- a. *Accountability* in the contract must include total scores and those of targeted sub-groups on:
  - i. High school graduation rates;
  - ii. SAT or ACT performance;
  - iii. State standardized tests:
    - 1. CRCT, **or**
    - 2. GHSGT, **or**
    - 3. EOCT, **or**
    - 4. a combination of the above, **AND**
    - 5. AP or IB participation and performance.
- b. *Flexibility* requested in the contract **must** include at least one of the following for a waiver or variance as included in the strategic plan:
  - i. Class sizes;
  - ii. Expenditure controls and categorical allotment requirements;
  - iii. Certification requirements;
  - iv. State curriculum requirements;
  - v. Others as identified by the LEA.
- c. *Consequences* **may** include:
  - i. Interventions or sanctions for failure to meet identified levels of achievement or for not showing specified levels of progress;
  - ii. Loss of governance of one or more non-performing schools:
    - 1. Conversion of such school to charter status with a governing board appointed by the Governor;
    - 2. Operation of the school by a successful system;
    - 3. Operation of the school by a private entity;
  - iii. Acceleration of interventions or sanctions for not meeting goals.
- 4. There will be a phase-in of this plan so that DOE selects no more than 5 systems to begin the strategic plan process in the first year; all systems would be required to enter into contracts or opt to remain “status quo” by 2013-2014.
- 5. Charter systems and charter schools (including those who are in the application process) are exempt.
- 6. Systems not under contract (“status quo” systems) may **not** apply for waivers in the following categories:
  - a. Class size, except in hardship cases;
  - b. Expenditure controls;
  - c. Certification requirements;
  - d. State salary schedule.
- 7. Some changes to the law on superintendents are also included in the bill:
  - a. Removes references in original law to contracts beyond 3 years that were allowed to expire;
  - b. Removes references in original law to elected superintendents whose terms had not expired;
  - c. Adds provision that superintendents may also serve as principal, teacher or other staff position concurrently with the superintendent’s position; and,
  - d. Adds provision allowing a superintendent to serve concurrently as superintendent of more than one system.

## **II. Curriculum and Testing:**

### **House Bill 602—Nationally Normed Tests**

Local school systems have the *option* of administering a nationally normed test in grades 3, 4, or 5, and 6, 7, or 8 with the state providing the funding for the administration and scoring/reporting (subject to funding by the General Assembly). This replaces the current requirement that nationally normed tests be administered in grades 3, 5, and 8.

### **House Resolution 1610—Study Committee on Emergency Response and Preparedness Curriculum**

This resolution calls for a study committee, composed of 6 members of the House of Representatives appointed by the Speaker (chairman designated by the Speaker), to study the need for an emergency response and preparedness curriculum in Georgia public schools. If they so determine, they will make recommendations for a model curriculum and guidelines for its implementation. Their report is due by 12/1/08.

## **III. Finance-Capital Outlay:**

### **House Bill 831—Charter School Capital Finance Act**

This law provides for grants from the State Board of Education for the purpose of purchasing real property or funding capital outlay projects for charter schools. It authorizes the SBOE to match funds from private donations for this purpose dollar for dollar, subject to General Assembly appropriations. The total amount sent to charter schools cannot exceed 75% of the average per student state portion of capital outlay times the number of students to be served in the charter school. The State Board of Education will establish policies, guidelines and standards for the construction of charter schools.

### **Senate Bill 523—Capital Outlay Law Sunset Date Extension**

This law extends the date for an automatic repeal of the law relating to advanced funding, exceptional growth, and low-wealth capital outlay programs to June 30, 2010. It was scheduled to expire in 2009.

### **Senate Bill 996—TADS for Redevelopment**

This proposed amendment to the Constitution, if approved by voters in the 2008 General Election, will authorize community redevelopment and authorize counties, municipalities, and local boards of education to use tax funds for redevelopment purposes and programs, including the payment of debt service on tax allocation bonds; to provide for submission of this amendment for ratification or rejection; and for other purposes. If

approved, school tax monies would be eligible for use in TAD's, but local boards of education would have to give their approval.

#### **IV. Finance-Funding:**

##### **House Bills 989 and 990—FY2008 Amended Budget and FY2009 Budget**

The budget for public education in Georgia continued the “good news, bad news” pattern established in 2003, as some unexpected funds were made available to local systems while old standbys such as “temporary austerity reductions” were continued. A gubernatorial effort to curtail a substantial, formula-driven increase in equalization grants was rebuffed, and considerable changes were made to both the FY08 and FY09 budgets after the Governor reduced the state's revenue estimate(s) in mid-session.

In the **FY2008 Amended Budget**, the following items were included:

- \$109,091,946 to pay for student enrollment growth of 1.23%;
- \$7,455,432 in mid-term adjustment funds to reimburse equalization grant-eligible systems that raised millage rates;
- \$578,941 in “hold harmless” funds (Local Five Mill Share) for systems with declining tax digests;
- \$1,624,745 to add 1,165 slots in the Georgia Virtual School;
- \$210,240,000 in bonds to provide for school construction (includes FY09 capital outlay funding in regular and exceptional growth categories); and,
- \$20,000,000 (pre-funded in this FY08 Amended Budget) to partially offset the Governor-recommended cut to the FY09 equalization grant program.

Considered in the FY08 Amended Budget, but not funded (due to the aforementioned reduced revenue estimate) were:

- \$25 million to purchase (with bonds) another round of school buses; and,
- \$40 million for classroom technology, the first state funds recommended for this purpose since 2002.

In the **FY2009 Budget**, the following were included:

- Funds sufficient to provide a 2.5% raise for teachers, bus drivers, lunchroom workers, RESA personnel, etc.; [Editor's note: After reducing the revenue estimate in mid-session, Governor Perdue had recommended that all raises be reduced to 2%. The General Assembly disagreed and included the 2.5% figure in their version of the budget. Governor Perdue signed the budget.]
- \$218,163,203 to fund enrollment growth and the increase in teacher training and experience;
- \$50,000,000 to apply against the still-present “temporary austerity reduction” begun by Governor Perdue in 2003; [Editor's note: Over \$91 million still remains in this category.]
- \$10,709,167 to complete the full funding of the equalization grant program;
- \$1,831,870 to provide an additional 2,500 slots in the Georgia Virtual School, bringing the total number of slots to 6,500;

- \$1,337,317 to create 11 new math mentor positions to work with schools with low math scores;
- \$260,000 to provide staff for the newly-created Georgia Charter Schools Commission (HB881);
- \$10,238,722 to provide 14 new graduation coaches for middle and high schools (figure includes T&E for all coaches);
- \$200,000 to create a new Mentor Teacher program to provide stipends to master teachers who mentor new teachers;
- \$86,280,000 in bonds to provide funding for capital outlay projects in the regular advance and low wealth programs (see FY08 Amended Budget for regular and exceptional growth capital outlay appropriations);
- An *additional* \$10,000,000 in bonds to supplement capital outlay projects in the low wealth category;
- An increase in Local Five Mill Share funds of \$147,373,299;
- \$5,656,726 to fund the Georgia Special Needs Scholarship voucher program; and,
- Funds sufficient to provide classroom teacher “gift cards” for another year.

In what can only be described as budget “negatives,” the General Assembly and Governor agreed to cut RESA basic operations funding by an additional \$125,000. And, items long ignored in the funding formula for public education (textbooks, maintenance and operations funds, funds for substitute teachers, etc.) continued in the “ignored” category, while the state’s antiquated school transportation formula continued its “long-underfunded” status, even in the face of rapidly escalating fuel costs.

### **House Bill 1335—QBE Program Weights**

This Act sets funding weights for FY 2009. All weights increased slightly other than 9-12 (1.000 is the base for all other programs) and Vocational Labs, which declined slightly—a pattern over the last several years.

## **V. Finance-Taxation:**

### **House Bill 948—Sales Tax Holiday**

This law sets the sales tax holiday for 2008 for July 31 through August 3. It also allows tax holidays on energy efficient products under \$1500 from October 2 to October 5, 2008.

### **House Bill 1065—Sales Tax for Charter Schools Capital Outlay**

This law allows local *and state* charter schools to benefit from a local 1% sales tax for capital outlay projects, if they are included as part of the ballot question approved by a local board of education.

## **House Bill 1133—Income Tax Credit for Scholarship Organizations**

This law resembles a “voucher for private schools act” in that it allows student scholarship organizations to distribute donations from individuals and corporations to pre-k through grade 12 private schools, but it intends to prohibit donations to dependents of the donors. Nothing in the law, however, prohibits one scholarship organization from transferring a donation to another scholarship organization, i.e. from one private school to another, where it could be used for the donor’s child(ren). Nor does it prohibit one donor sending a contribution equal to the tuition costs of a friend’s child(ren) with the unofficial agreement that the friend will do the same for his child(ren)’s tuition costs. The donors, individuals or corporations, will receive tax credits (\$50 million dollar statewide cap on total donations allowed in the current version) for their donations if specific requirements are followed.

### **VI. Governance:**

#### **House Bill 296—Dates for Special Elections**

This law limits Special Local Option Sales Tax (SPLOST) referenda to the following dates in even-numbered years: the Presidential Preference Primary, the General Primary, or the Tuesday after the first Monday in November. In odd-numbered years, the eligible dates are the 3<sup>rd</sup> Tuesday in March or the Tuesday after the first Monday in November. The provisions of this Act become effective on January 1, 2010.

#### **House Bill 602—Board Member Selling Goods to System**

This law allows members of local boards of education to sell products or goods to the school system he/she serves if there are fewer than 3 vendors capable of selling the same product in the district. Purchases exceeding \$10,000.00 must be approved by the board of education in open meeting.

### **VII. Home, Charter, Choice:**

**House Bill 831—Capital Outlay for Charter Schools** [see HB 831 in Finance-Capital Outlay section above]

#### **House Bill 881—Charter Schools Commission Act**

This law establishes a new, additional state education agency created for the purpose of approving charter schools. While the State Board of Education retains the authority to overrule decisions made by this newly-formed state entity, the intent of the Act clearly is to remove perceived barriers to the establishment of more charter schools in Georgia.

It introduces the concept of “co-sponsors” of charter schools that could range from private entities to city or county governing boards. Petitions for charter schools still must

be initiated with the local board of education and, if approved, will fall under the normal procedure for State Board approval of charter schools. If denied, the petitioners now may submit their petitions to the Charter Commission. Petitions may be preliminarily approved by the Commission, but they may be overruled by the State Board of Education with a 2/3 majority vote. Once deficiencies addressed by the SBOE are corrected, the petition may be re-submitted to the Charter Commission.

Funding for charter schools approved through the Charter Commission will consist of all QBE formula earnings, QBE grants and federal grants earned by the commission charter school based on enrollment, school profile and student characteristics. The school will also be provided a proportional share of state categorical grants, non-QBE state grants, state equalization grants, and all other state and federal grants. *In addition, the commission will determine a per-student dollar amount for each student enrolled (based on local revenue generated by the local school system in which the student who attends the charter school resides), and those funds will be deducted from the QBE allotment of the school system in which the commission charter school is located.* If the charter school offers virtual instruction, the Commission may reduce the amount calculated. The Department of Education may also withhold up to 3% of the amount for each charter school for administrative expenses of the Commission.

The Commission is responsible for monitoring progress of the charter schools and encouraging best practices. They also assist with and promote applications for grants, both federal and private, for the schools.

### **VIII. Personnel:**

#### **House Bill 250—Educators’ Investigation by PSC**

This law allows the PSC to investigate educators immediately for suspected sexual offenses (based on allegations reported by students) without having to wait to notify the Commission of such pending investigation. In addition, the Commission is authorized to immediately open an investigation upon receipt of a complaint that an educator has been convicted of “any criminal offense involving the manufacture, distribution, trafficking, sale or possession of a controlled substance or marijuana.”

#### **House Bill 1277—Charter School Teachers and Health Benefits**

This law allows charter schools to participate in the State Health Benefit Plan for their employees, should they choose to do so.

#### **House Resolution 1103—Teacher Training and Certification**

This resolution creates a study committee to examine teacher training and certification. The study committee includes two teachers, a superintendent, a principal, the state school superintendent and others. Their report must be filed by 12/31/08.

## **IX. Records:**

There were no bills passed in this category in 2008.

## **X. Retirement:**

### **Senate Bill 327—Back to Work**

This law provides for an educator who has retired on a “service retirement” and who has been retired for a minimum of 12 months to return to work full time and continue to draw full retirement benefits. Teachers, counselors, and media specialists may return to the same school; principals must return to a different school; superintendents must return to a different system. Teachers can return only in the capacity of a classroom teacher. Improvement specialists (except at RESA’s) cannot return in those capacities. To be eligible, a retired educator must be 60 years old with 10 years service, or have completed 30 years service at any age. Salaries may be negotiated and may be outside the state salary schedule. The system must pay both employer and employee contributions to TRS while the retiree is employed. No additional TRS benefits can be earned while employed as a retiree.

### **House Bill 656—Death of a Spouse**

This law allows a divorced TRS member to reallocate benefits to beneficiaries.

### **House Resolution 1277—Study Committee to Consider COLA’s for Retirement Systems**

This resolution cites concerns for funding needed to continue COLA at the required rate in at least 2 of the public retirement systems of Georgia (**not TRS**) and proposes a study committee. The committee named to study this issue includes:

- 5 members of the House, appointed by the Speaker;
- 5 members of the Senate, appointed by the President of the Senate;
- Co-chairs, appointed by the Speaker and the President of the Senate.

## **XI. School Day and Year:**

### **House Bill 1300—Make-up Days**

This amendment eliminates the requirement in the law that a system’s calendar end on a Friday in order for the local board of education to elect ***not*** to make up days (up to 4 days) missed due to disaster, emergency, acts of God and other occurrences. It also defines “disaster” and “emergency.”

## **XII. School Safety:**

### **House Bill 89—Firearms, Carrying and Possessing**

This law makes it a felony to transmit in any way a firearm to anyone other than the actual buyer, except peace officers who are acting in an official capacity. It allows citizens who are licensed to carry a concealed weapon to do so in parks, historic sites, recreational areas and wildlife management areas. Though school athletic events are excluded, confusion could result if such events are held on recreation property or in public facilities such as the Macon Coliseum. Permission to carry firearms at “public gatherings” is included in the law, but it is unclear if such permission includes board of education meetings or board of education offices. The law removes any restrictions from transporting an unloaded firearm in a private vehicle, but it prohibits carrying firearms in bars and prohibits consumption of alcohol while carrying a concealed weapon. The law also prohibits an employer from searching an employee’s locked vehicle for a concealed weapon, as long as the weapon is secured out of sight and/or is parked in a secured lot.

### **House Bill 1031—Defibrillators**

This bill requires all public high schools with athletic programs to have at least 1 functional automated external defibrillator (with defined specifications) easily accessible on site at school at all times for use in emergencies, especially athletic competitions. The law goes into effect July 1, 2008, in time for all summer activities.

Expected users are required to undergo training by the American Heart Association, the American Red Cross, or another nationally recognized course. Schools must notify the local Emergency Medical Service of the existence of the defibrillator and its location before it is placed in use, and they must ensure maintenance and testing according to manufacturer’s instructions. Schools must involve a licensed physician to ensure compliance with training, notification and maintenance requirements. They must also ensure that designated personnel activate the EMS system as soon as possible after rendering emergency care to a person in cardiac arrest and report said use to the licensed physician. Tort immunity is granted for operators of external defibrillators, the responsible licensed physicians, and training personnel. Tort immunity does not apply to training or instructions provided by the manufacturer or their failure to provide warnings.

## **XIII. Student Matters:**

### **House Bill 152—Hope Scholarship; Home Study Course**

This law provides for all otherwise eligible home schooled students, or students graduating from a high school *not* eligible, to receive the HOPE scholarship if they score in the 85<sup>th</sup> percentile or higher on a national test such as the ACT or SAT (or a college entrance exam). It also includes GED graduates, if they graduated after June 30, 1993, and if they also score at the 85<sup>th</sup> percentile of the ACT, SAT or college entrance exam.

### **House Bill 969—Home School Driver’s Education**

This bill amends O.C.G.A. 40-5-22 to include a home school driver’s training course as an approved course to meet the requirements of the law. The home school course can be counted if it satisfies all reporting requirements and all instructional requirements of state law.

### **House Bill 1321—False Accusations against an Educator**

This law addresses falsified reports of inappropriate behavior by educators toward students, establishes a complaint procedure, requires notice of the procedure in **teacher and student handbooks**, provides for statements to the media, and provides penalties for students who falsify reports. Student **codes of conduct** must add falsifying, omitting or erroneously reporting information regarding alleged inappropriate behavior of school personnel toward a student. The PSC must establish a state mandated process for students to report such claims, and the process must reserve the right of the students to report to law enforcement.

If the report is deemed unsubstantiated, the LEA shall, at the request of the employee, submit a written statement to that effect to the media outlets that previously reported the claim. A student over 10 years old who falsely reports with malice can be punished by court ordered community service, or any other court sanction; suspension or expulsion from the school system; or, both court and school penalties.

## **XIV. Transportation:**

### **HB 426—Railroad Crossings**

This law requires every local school system to submit to the Department of Transportation by September 1 of each year a list of every railroad crossing without active warning devices that is part of an established bus route in its jurisdiction. The use of such crossings by the school system must be minimized, and the Department of Transportation must use the submitted lists as an important factor in selecting railroad crossings that are to be upgraded with active warning devices.

### **House Bill 790—School Bus Safety Week**

This law declares the third week in October as “School Bus Safety Week.”

### **House Bill 790—School Bus Drivers Appreciation Day**

This law declares the third Monday in October as “School Bus Driver Appreciation Day.”

## **XV. Final Remarks**

While it has not been the practice at GSSA to summarize or comment on legislation that *did not pass or was vetoed* during any given session of the Georgia General Assembly, the sheer volume and content of such legislation in 2008 cannot be ignored. Much of this legislation will undoubtedly reappear on the legislative radar in future sessions, and readers of this document should be keenly aware of the existence of such legislation and of the support it enjoys among certain members of the legislature.

Passed by the General Assembly, but vetoed by Governor Perdue, was SB345, a bill which sought to have Georgia join other states in the Interstate Compact on Educational Opportunity for Military Children. Governor Perdue's veto, which surprised members of the General Assembly, was based on his belief that the legislation gave an outside organization permission to obligate Georgia taxpayers' dollars.

Significant and hotly-debated bills failing to pass the General Assembly were the following:

- **SB458** – a second round of voucher legislation, this one aimed at children who attend schools losing accreditation
- **SB535** – a bill proposing the automatic recall of school board members in school systems losing accreditation
- **SB506** – the “SHAPE” bill proposing that school personnel measure and report students' body mass index
- **HB994** – proposed expanding duty-free lunch to all teachers in all grades (with local systems bearing the cost)
- **SB461** – sought to expand the definition of “bullying” to “cyberbullying”
- **HB905** – the “BRIDGE” bill seeking a massive expansion of career and technical education
- **HB1286** – would have required all school systems to close on Veteran's day each year
- **HR900, HR1246, SR20, SR796, etc., etc., etc.** – a series of bills touted as various forms of “tax reform,” each one calling for some type of limitation on either state or local revenues and/or expenditures

As noted, many of these concepts will appear with another number in another year, and those who follow the actions of Georgia's lawmakers should be cognizant of their presence and their potential impact on public education in the state.