



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 2009 session of the General Assembly. Report from the Capitol can also be viewed on the GSSA website at www.gssanet.org.



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A Report on Selected Education Legislation Adopted by the Georgia General Assembly in the 2009 Session

The following is a summary of selected education legislation adopted in the 2009 session of the Georgia General Assembly, by topic.

I. Accountability

There were no bills passed in 2009 in this category.

II. Curriculum and Testing

House Bill 229: Student Health and Physical Education Act

This law amends Part 3 of Article 16 of Chapter 2 of Title 20 of O.C.G.A. to require local school systems to conduct annual fitness assessments, comply with physical education instruction requirements, and report results to the Governor, who may provide a recognition program.

Fitness assessments must be conducted once a year for students in grades 4-12 during a physical education course taught by a certified physical education teacher in which the student is enrolled. Individual results must be reported to parents with an aggregate report to SBOE annually as per DOE guidelines.

Local systems must provide at least minimum instruction in physical education as prescribed by the SBOE rules and regulations, and DOE must develop and disseminate standards for best practices and benchmarks.

SBOE must submit annual report to the Governor. All sections but the requirement to offer minimal instruction will sunset on June 30, 2019.

III. Finance: Capital Outlay

There were no bills passed in 2009 in this category. [Note: SB178, which was originally designed to extend the sunset dates for the state's school capital outlay program, was amended on the final night of the session to include a number of other provisions which proved to be unacceptable to the Governor. Thus, the bill was vetoed, putting the capital outlay program in peril. State leaders assured GSSA that steps would be taken early in the 2010 session to address this issue.]

IV. Finance: Funding

The budget picture for local school systems, already dim at the beginning of the 2009 session thanks to a troubled national economy and rapidly dwindling state revenues, became progressively dimmer as the session wore on. Massive mid-year cuts, coupled with drastically-reduced state funding for the FY2010 year, combined to make budgeting for school systems an extremely complicated task. The only signs of relief came in the form of the infusion of federal stimulus and stabilization funds, and superintendents and other decision-makers struggled to make sure that their use of those funds matched both the intent and the guidelines of the federal government. Still, local systems faced the possibility of dismissing large numbers of employees and cutting budgets wherever else possible.

FY2009 Amended Budget

The original, Governor's version of the FY09 Amended Budget contained numerous "minor" cuts. Included in the final list were the following:

- Academic Coach program (\$900K)
- The math/science mentor program (vacancies left unfilled, saving \$660K)
- Testing program (\$545K)
- Technical/Career Education program (\$630K)
- Charter schools program (\$650K)
- Virtual school program (\$384K)
- Ag Education (\$280K)
- Teacher liability insurance program (\$137K)
- Governor's Honor Program (\$75K)
- Migrant education and sparsity grants (\$265K)
- Special needs scholarship (\$113K)
- Classroom gift cards (\$285K)

There were a few additions to the budget, including \$77 million for enrollment growth, \$9 million for "hold harmless" to the Local Five Mill Share and for additional equalization grants, and \$930K to add some slots to the Virtual School. The cuts, though, far outnumbered the "adds."

The biggest cuts, though, came in the form of additional, mid-year austerity cuts which left school systems in the unenviable position of managing major declines in state revenues while having to continue to expend funds based on budgets that had not anticipated those declines. Austerity cuts added to the original, \$93 million cut that had been approved by the Governor and General Assembly for FY09 were:

- \$50 million (an amount that the Governor and General Assembly had initially agreed to "restore" as part of the original FY09 Budget negotiations); PLUS
- \$136 million (a 2% mid-year cut applied due to declining revenue); PLUS
- \$95 million (an amount taken from education so that the state could afford to pay the Homeowner's Tax Relief Grant to local governments for one, final year);
TOTALING

- \$375 million (approximately four times what each local system had initially anticipated as their FY09 austerity cut).

The General Assembly approved the use of \$145 million in federal stabilization funds (funds associated with the American Recovery and Reinvestment Act, or ARRA) to mitigate the impact of these mid-year cuts, and the Governor signed the Budget to signal his agreement with their plan. However, soon after the end of the session, the Governor announced that these federal dollars would not be used in the FY09 year, leaving systems to deal with the full impact of the additional cuts.

[Note: In late May, with state revenues still declining at a rapid rate, the Governor announced yet another reduction in the revenue estimate. This time around, local school systems were told to expect an additional \$121 million in cuts *in the current fiscal year*, bringing the total cuts for FY09 to almost \$500 million. This time, though, the Governor decided to go ahead and use \$158 million in ARRA funds (of the \$927 million available) to soften this blow.]

FY2010 Budget

The FY2010 Budget, based on a dismal revenue picture, contained major cuts for all state agencies (and, public schools). Included in the list of cuts were:

- A \$4.6 million cut to DOE;
- \$2 million in cuts to DOE's School Improvement division;
- \$503K in cuts to Technical/Career Ed;
- The total elimination (finally) of the state "model elementary foreign language" program, to the tune of \$384K;
- A \$100K cut to the food processing plants;
- The total elimination of the never-used teacher liability insurance program (\$300K);
- \$500K reduced from funds for charter school implementation grants; and,
- \$2.5 million cut from the already-underfunded pupil transportation program.

There were other additions and oddities in the budget, and those included the following:

- \$29.1 million was added to fund the school nurse program, which had been recommended for elimination by the Governor;
- Funding for RESA's and ETTC's was restored, each as a separate line item and in direct opposition to the Governor's wishes;
- \$7 million in bond funding was included for the purchase of vocational equipment;
- The regular and exceptional growth capital outlay programs were funded only at the 80% level (a last-minute, last-night provision that caught all by surprise); and,
- Funds to be used to pay supplements to teachers who had earned the National Board certificate were included, but only enough to pay each of those teachers 10% of the base salary of a beginning teacher with a T-4 certificate.

But, once again, the bigger reductions were reserved for austerity cuts and a major, unanticipated cut to the equalization grant program. Austerity cuts for FY2010 are as follows:

- \$93 million (the original, “base” austerity cut); PLUS
- \$147 million (additional cut due to another reduction in the revenue estimate); PLUS
- \$50 million (the aforementioned amount that the General Assembly and Governor attempted to restore in FY09); PLUS
- \$413 million in another round of “new” austerity cuts; TOTALING
- \$703 million

The General Assembly and Governor agreed to use \$413 million in ARRA funds to be applied against the austerity cuts in the FY2010 budget, leaving \$290 million in cuts with which local systems must grapple. (Note: \$49 million in money for graduation coaches was “rolled into” QBE in such a way that it is to be applied against the austerity cuts, thus technically reducing the cuts to “only” \$241 million. Local systems are not required to use the graduation coach money to hire those coaches.)

It had been known for some time that the Governor and some of his closest advisors had objected to the continued, full funding of the equalization grant program. They had made no secret of their displeasure with the fact that some systems were earning equalization grants that, in the minds of these leaders, did not deserve them. Thus, in addition to introducing legislation intended to dramatically alter the distribution formula (HB279 never even received a subcommittee hearing and did not pass.), the Governor’s FY2010 Budget included a \$112 million cut to this program, thus penalizing the 75% of systems that could least afford such an additional cut. The cut was made to the FY2009 amount and did not take into consideration that the program should have *grown* by almost \$80 million in FY2010, thus making the *real* cut to this program almost \$200 million.

In fairness, it must be noted that the Local Five Mill Share, the amount that each system must “pay” to participate in QBE (the “required local effort”) should have increased in FY2010 by \$175 million. Due to the statutory requirement that the local contribution must not exceed 20% of the QBE total (and, due to the massive austerity cuts), the LFMS only increased by \$6 million statewide. And, since the austerity cuts for FY2010 were increased well after the initial FY2010 Budget was submitted to the General Assembly by the Governor, the law will require that the LFMS will have to be recalculated as part of the FY2010 Amended Budget and reduced even further.

Finally, it should be noted that, even as this report is being written and prepared for posting, the state’s revenues continue to suffer. House Speaker Glenn Richardson predicted openly during budget debate that the General Assembly would have to return in special session to deal with continued decline in state revenues and needed adjustments to the FY2010 Budget. That scenario seems more and more likely, just as it appears that the cuts already made to local school system funds will become deeper and deeper.

V. Finance: Taxation

House Bill 63: Boards of Education and TAD's and PILOT Restriction Act

This law amended Title 36 regarding bonds and obligations for redevelopment areas and authorized the use of school tax funds for such purposes. If a TAD were created in a county or a municipality with an independent school system, that county and/or system's ad valorem taxes would be included in computing the tax allocation increments, but only if the BOE consents to the use of school tax funds for that purpose.

If the "city council" sets the school millage, they must consent to the use of school tax funds for that purpose, and they must agree by resolution to be included. Counties may agree through resolution to participate in a municipal TAD if the school board (or governmental body that sets school millage) agrees.

If a TAD is created in a consolidated government {i.e., Clarke County}, ad valorem taxes for that government may be included, as well as any school system contained within it, if the school board (or government body that sets the millage) agrees.

The following ad valorem taxes cannot be used for a TAD:

- Taxes levied to repay bonded indebtedness;
- Unless provided in the resolution, taxes levied on personal property or motor vehicles;
- Unless provided in the resolution, tax levied on public utilities and railroad companies

Several sections in the law address implementation of the TADS to include definitions, allowable expenditures, etc. Those that directly affect education include:

- If a school system contributes to a TAD, the plan must contain a school system impact analysis to address the financial and operational effect of the proposed development on the school system to include:
 - An estimate of the number of new public school system students that could be generated;
 - The location of school facilities within the redevelopment area;
 - An estimate of the ELOST funds to be generated by the redevelopment, if any; and
 - A comparison of the anticipated residential property values compared to those prior to redevelopment.

Chapter 80 is amended in Section 6 to add the PILOT Restriction Act. Payment in lieu of taxes would be allowed on capital projects in a TAD with the proportion of school taxes equal to the total property taxes on the project if it were subject to ad valorem taxes.

The law forbids participation by non-government users that have no taxable property interest in the capital project, unless all government bodies participating agree.

House Bill 120: Sales Tax Holidays

This bill amends Code section 48-8-3 related to sales tax exemptions to extend the sales tax holiday to 2009, specifically July 30 through August 2, on school supplies, clothing, etc. It would also extend the sales tax holiday on energy or water efficient products to 2009, specifically October 1-October 4.

House Bill 143: Homeowner Tax Relief Grants

This law amends Title 36 of O.C.G.A. by revising 36-89-3 relating to homeowner relief grants. It would continue the appropriation by the General Assembly of homeowner tax relief grants through this fiscal year, ending June 30, 2009.

In subsequent fiscal years the homeowner relief grants would be appropriated in the supplemental budgets for those years, but only under certain budgetary conditions outlined in the law.

House Bill 233: Ad Valorem Tax Freeze

This law amends Title 48 of O.C.G.A. to provide a moratorium period for raising property assessments with an automatic repeal date. The law applies only to tax years from January 1, 2009 until the Sunday immediately preceding the second Monday in January, 2011.

Property assessments will not be allowed to increase at all during that period, even though each parcel in the state will be required to be reassessed at least one time during the time period specified. The assessed value of property could decrease during the period. If property is sold or transferred, the property will continue to be valued for tax purposes at the most recent value established in January of 2009.

If the property is re-zoned, then the property will be assessed at its fair market value. The law does not apply to counties that have a local constitutional amendment in force regarding property assessments unless it is repealed.

It is interesting that in the introductory section of the law the statement is made “that the citizens and property owners of this state are experiencing a crisis in the reduction of value of real estate...and it is in the interest of this state that immediate action be taken to secure the economic stability of all Georgians.” Nevertheless, in the body of the law it states that the assessed value of any property could *decrease* during the period. Though this law has a sunset clause, it could easily be renewed in 2011.

House Bill 358: Extend Sales Tax Exemption on Food for Relief

This law amends Code Section 48-8-3 of the O.C.G.A. to extend the periods of exemption to June 30, 2011 from sales tax on food used for hunger or disaster relief.

House Bill 482: Ad Valorem Exemption for Business Inventory

This law amends Part 1 of Article 2 of Chapter 5 of Title 48 of O.C.G.A. to provide, subject to a referendum, that all tangible personal property making up the inventory of a business be exempt from ad valorem taxes. The legislation would require a referendum to take effect.

HB 181: Unidentifiable Sales Tax Distribution

This law was “extended” from its expiration date of December 31, 2007 to December 31, 2011. No changes were made in the method of distributing unidentified sales tax proceeds.

Senate Bill 240: Comprehensive Revision to Assessment Appeals

This law amends Part 2 of Article 5 of Chapter 5 of Title 48 of the O.C.G.A. to provide for comprehensive revision of the appeal of assessments; to change the deadline for filing for forest land conservation use; to change provisions regarding collection of costs, commissions, interest and penalties; to provide for execution costs; to provide for notification of changes to a taxpayer's return; and to provide for additional tax return filing requirements for utilities.

The section of the law that establishes a Board of Equalization and procedures that it follows has been eliminated. Instead, a taxpayer may file an appeal by agreeing to arbitration in an appeal submitted within 30 days. The taxpayer must submit a professional real estate appraisal of the property.

If the county disagrees with the appraisal, then it goes to an arbitrator. Within 30 days he/she hears testimony and receives documentation and makes a decision. If the decision accepts the taxpayer's appraisal, then the county pays the costs of the appraisal and arbitration. If either side is not satisfied, the matter may be appealed to superior court.

VI. Governance

Senate Bill 14: Sex Offenders Prohibited from Serving on Board of Education or as Superintendent

This law amends 20-2-51 to make anyone whose name appears on the national or state sex offender list ineligible to be elected to or serve as a member of a local board of education or to serve as a superintendent.

Senate Bill: 44: Purchasing Preference to Georgia Vendors

This law amends Article 10 of Chapter 2 of Title 20 to provide contractual and purchasing preferences for items and services produced in Georgia. It amends the existing law that required the Department of Administrative Services to give in-state preferences so that it applies to all governmental agencies' contracting and purchasing practices, but there is a provision that quality is not to be sacrificed.

Products included are for amounts over \$100.00 and include:

- Supplies
- Materials
- Equipment
- Agricultural products
- School buses

Instructional materials are not included in this requirement.

Schools have to give preference as far as may be reasonable and practicable to above mentioned products produced in Georgia and to in-state sellers of them without sacrificing price or quality.

To determine reasonability when the value of product/service exceeds \$10,000.00, the school and/or system must consider:

- The bidder's estimate of the multiplier effect on the gross state domestic product;
- Effect on public revenues as determined by DOR or designee (in writing);
- Effect on local revenues from acceptance of bid or offer from out-of-state seller (in writing).

No local school district could divide a contract or purchase exceeding \$10,000 for the purpose of avoiding the law. The law would apply to state, county and local governmental entities, as well.

VII. **Home, Charter, Choice**

House Bill 281: Public School Choice within a District and Nepotism

This law amends Part 13 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A to allow a public school student to attend any school in the local school system under certain conditions. It also provides nepotism restrictions for eligibility for school board members and superintendents.

Parents are able to enroll their children in the school of their choice in the local school system if the school has enough space left for the children after its assigned students are enrolled, beginning with the 2009-2010 school year, but parents are responsible for transportation.

Systems are required to establish a universal, streamlined process to implement the transfers and notify parents of the schools with available space for transfer by July 1, 2009. The law does not apply to charter schools or newly opened schools for four years following the opening.

Students already attending a school other than the one to which they were assigned would be "grandfathered" in at the schools they currently attend.

In a separate section, the law prohibits a person to be eligible to serve on a local board of education who has an immediate family member that is employed as a principal, assistant principal, or “system administrative staff” in the local school system. The law also prohibits any person to be appointed, employed, or to serve as superintendent of schools of any county or independent school system who has an immediate family member sitting on the local board of education for such school system or who has an immediate family member hired as or promoted to a principal, assistant principal, or system administrative staff on or after July 1, 2009, by that school system.

House Bill 555: Charter Schools and Public School Surplus Property

This law amends Code Section 20-2-2068.2 of the O.C.G.A. to revise provisions relating to the use of surplus property of a LBOE by a local charter school. It also adds "commission charter schools" into provisions for eligibility in the capital outlay for facilities program.

It adds the requirement that there be a written agreement to specify that any unencumbered funds by a commission charter school must be returned to the Georgia Charter Schools Commission in the event the school terminates operations.

LBOE’s are required to make available to any and all local charter schools:

- Any surplus or unused facility or property; or
- Any portion thereof.

No rental **or leasing fee** can be charged or a leasing fee **to a local charter school** for the existing facility, and the property **or any interest in it** can not be sold or disposed of without LBOE approval.

VIII. Personnel

House Bill 243: National Board Certified Teachers Pay Increases

This law amends Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to amend the salary increase for National Board Certified teachers.

Teachers who leave a teaching position after March 1, 2009 will cease to receive any salary increase.

The law eliminates paid leave to work on National Board Certification and payment by the state of a portion of the application fee.

Teachers enrolled in the process or obtaining certification on or before March 1, 2005 and who renewed such certification after July 1, 2006 will have salary increases subject to appropriations by the General Assembly.

Teachers who received initial certification between July 1, 2006 and March 1, 2009 (with subsequent renewals anytime thereafter) will cease to receive the salary increases if they leave a position after March 1, 2009, subject to appropriations by the General Assembly.

Only those teachers receiving national certification or enrolled in the process on or before March 1, 2009 will be eligible for salary increases in the future, and those increases are subject to appropriations by the General Assembly.

House Bill 290: Additional Pay for Math/Science Teachers

This law amends Part 6 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to provide additional compensation for math or science teachers in certain circumstances while it also provides standards for math and science endorsements. It removes the sunset provision for the Georgia Master Teacher Program, as well.

On and after July 1, 2010, a secondary school teacher certified in math or science by the PSC will be moved to the state salary step applicable to 6 years of service, unless he or she is already above that step. That teacher can continue to advance 1 step per year for five years from that position. After the 5th year, the teacher may continue to be attributed one additional year on the salary schedule each year if he or she meets or exceeds student achievement criteria established by the Governor's Office of Student Achievement. Otherwise, the teacher will revert to a step on the salary schedule according to his/her actual years of experience.

Beginning July 1, 2009, a kindergarten or elementary teacher who receives an endorsement in math, science or both from the PSC will receive a \$1000 stipend per endorsement for each year the endorsement is in effect, up to a maximum of 5 years. If the elementary teacher maintains those endorsements and meets or exceeds student achievement criteria established by the Governor's Office of Student Achievement, she/he could continue the \$1000 stipend as long as the endorsement is current. Otherwise, the stipend would be discontinued.

All increases will be subject to General Assembly appropriations on an annual basis.

In order to qualify for the above incentives, the endorsement held by the teacher must:

- o Be based on post-baccalaureate non-degree program beyond preparation in early childhood education;
- o Consist of a minimum of 3 courses, 2 of which would focus on the advancement of content knowledge and one that would focus on instructional strategies for the content to children in K-5;
- o Include a residency experience with a focus on application of knowledge and skills acquired in the course work

The PSC will be responsible for establishing standards for the endorsement.

House Bill 455: Teacher Contract Deadlines, Master Teacher Sunset Removed, and Leadership Degree Pay Changes

This law amends Code Section 20-2-211 of the O.C.G.A. to provide a temporary postponement of the deadline for offering contracts for 2009 only. The new deadline is May 15, 2009. On that date, contacts have to be tendered or written notice of the intent not to tender a contract served.

It also removes the sunset provision for the Master Teacher Program and prohibits salary schedule placement based on a leadership degree unless the educator serves in a leadership position. All teachers currently placed on the salary schedule based on a leadership degree are grandfathered in, if they possess the degree prior to July 1, 2010, whether or not they serve in a leadership position.

IX. Records

House Bill 313: Calculation of GPA for HOPE eligibility

This law amends Part 3 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to require a uniform grading system for high schools to determine eligibility for HOPE scholarships. Beginning with this year's ninth grade class, the GSFC will equate each grade in coursework in English, math, science, social studies and foreign language to a 4.0 scale with A = 4.0, B = 3.0, C = 2.0, D = 1.0 and F = 0. AP and IB courses will be weighted in a uniform manner determined by the GSFC.

The average grade will be computed and eligibility for HOPE will be limited to those students with GPA's equal to or in excess of 3.0 on a 4.0 scale.

Senate Bill 114: Military Dependent Transfer

This law amends Chapter 2 of Title 20 of the O.C.G.A. to provide for the transfer of military dependents regarding placement, waiver of course prerequisites, additional excused absences, eligibility for enrollment, and on-time graduation.

The law applies to:

- Active duty military dependents;
- Military veterans medically discharged for one year after discharge;
- Dependents of members who die on active duty or as a result of injuries received while on active duty for a period of 1 year after the death.

The law does not apply to children of:

- Inactive members of national guard and reserves;
- Retired military;
- Veterans;
- US DOD and other federal civilian and contract employees.

A local school system is required to accept unofficial records and enroll a child as quickly as possible, then request official records immediately. Local systems must give military dependents 30 days for updating/obtaining immunizations required by the state.

Students will continue in the grade level that they attended or would be scheduled to attend in the sending state. Initial placement during the school year will have to be in the same courses, including honors, AP, and IB, if offered at the receiving school; however, subsequent evaluations to ensure appropriate placement and continued enrollment would be allowed. Gifted and ESOL students will retain placement under the same provisions.

Local schools have flexibility to waive course or program prerequisites for the transferring students, and they are able to grant additional absences to a student whose parent is called to duty for, is on leave from, or immediately returned from deployment to a combat zone or a combat support posting.

Power of attorney relating to guardianship of the child is sufficient for enrollment and other parental responsibilities. Tuition cannot be charged for these students if the parent/guardian is a resident of the district. If the non-custodial parent lives in another district other than that of the custodial parent, the student may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

Local schools must facilitate participation in extra-curricular activities, regardless of application deadlines if the students are qualified to participate.

Regarding on-time graduation for these students, schools must accept courses required for graduation if similar course work has been completed in another system, offer alternative means of acquiring the required course, or have a good reason for not doing so. Local schools would have to accept exit or end-of-course exams required for graduation from the sending state, national norm-referenced tests, or alternative testing in lieu of testing requirements in Georgia. If the senior is still ineligible to graduate with the class, the system would have to coordinate with the sending LEA to ensure the receipt of a diploma.

X. Retirement

House Bill 371: Allowance of Increased Retirement Fund Investments in Securities

This law amends Article 7 of Chapter 20 of Title 47 of the O.C.G.A. to allow an increase of allowable retirement system fund investments in equities to 75 percent and to change the definition of "large retirement system." Prior to July 1, 2010 a fund may not invest more than 65% in equities. On and after July 1, 2010, a fund may not invest more than 70% in equities. On and after July 1, 2011, a fund may not invest more than 75% in equities

Funds could have 2 years to come into compliance, should they be over-invested in equities at present or at any time in the phase-in period.

The definition of a retirement system is changed from one with “an accumulated unfunded actuarial accrued liability not greater than 25 percent of the total of its assets” to a new definition, “assets in excess of \$200 million.”

House Bill 452: Retirement Benefit Adjustment for PSERS

This law amends Title 47 of the O.G.C.A. to prohibit any cost of living raises to certain retirees of the ERS, PSERS (custodians, cafeteria workers, bus drivers, etc.), GLRS, GJRS. The bill would apply to all persons hired under these systems on or after July 1, 2009.

XI. **School Day and Year**

House Bill 193: Change to 180-day School Year Requirement

This law allows the DOE to define an “equivalent” to 180 days of required instruction, changes the requirement for school nutrition personnel from 190 days at 8 hours a day to a total of 1520 hours per year, and provides a kindergarten program to be full-day with a minimum of 4 ½ hours daily for 180 days, or its "equivalent." It also allows systems to close for Veterans Day on November 11 of each year beginning in 2010-2011, if they so desire (an option all local school systems already have).

This law could allow school systems to initiate 4-day school weeks, or any other configurations of a school day to meet the DOE’s definition of an “equivalent.” It could allow schools to operate two sessions of kindergarten in a day and still have both sessions considered full-day programs, and it gives school nutrition employees flexibility to distribute the required 1520 hours per year over the entire school year, not limited to 180 days.

XII. **School Safety**

There were no bills passed in 2009 in this category.

XIII. **Student Matters**

House Bill 149: Move on When Ready

This law amends Part 4 of Article 6 of Chapter 2 of Title 20 of O.C.G.A. relating to financing under QBE so that eligible juniors and seniors who spent the previous year enrolled in a public school may finish their high school diploma requirements by attending an eligible college or university full time, and the funding for those students follows them to the institution of higher education.

By April 1 of each year, general information about the program is required to be provided to 10th and 11th grade students along with counseling for the students and their

parents/guardians before students enroll in the program. The student and the parents have to sign a statement provided by the DOE that they have received counseling and understand the responsibilities involved.

Local systems are required to grant academic credit to eligible students enrolled in eligible institutions if the course work has been approved by the DOE and the student passed the course. The student is responsible for notifying the eligible institution to notify the local schools system of his/her grade(s).

All passed course work counts toward SBOE graduation requirements and subject area requirements of the LBOE and will be recorded on the student's high school transcript.

The DOE is responsible for developing the necessary rules to require local systems to award a high school diploma once the necessary courses are completed, and they will consult the BOR and the State Board of Technical and Adult Education.

The DOE must pay the eligible institutions the lesser of the following amounts for each participating student, less a \$200 administrative cost for the local school system:

- Actual cost of tuition, materials and fees for the courses taken;
- The amount that the student would have earned if he/she had been in equivalent instructional programs in a local system for a full instructional day.

The appropriations to a local school system will be reduced by the amount that its participating students would send to the eligible post-secondary institutions. The records fee [\$200] may be increased by the SBOE annually, at their discretion. No further payment may be required of the eligible student beyond what would be allotted in this law.

The SBOE will establish rules and regulations regarding state and federal testing requirements for eligible students who participate in the program.

No other financial aid can be awarded to eligible, participating students. Hours or courses taken will not count toward maximum hourly caps for the HOPE. Anyone who knowingly and wrongfully misrepresents any student for the purpose of enabling an institution to obtain wrongful payment would be guilty of a misdemeanor.

House Bill 157: Lottery Shortfall Reserve and Reduced HOPE Allowances

This law amends Code Section 50-27-13 of O.C.G.A. to revise the amounts in the lottery accounts that would trigger reductions in HOPE benefits. If the year-end balance in the reserve is less than 92% of the highest year-end balance since FY 2004, then all scholarships for book allowances would not exceed \$150 per year beginning in the next fiscal year and thereafter with the exception of Pell grant students.

If the year-end balance is less than 84% as noted above, the scholarships and grants for book allowances would be eliminated beginning in the subsequent fiscal year and

thereafter with the exception of Pell grant students. If the year-end balance is less than 75%, then all scholarships and grants for mandatory fees would be eliminated beginning the next fiscal year and thereafter

House Bill 300: Student Health and Meningitis Information

This law amends Part 3 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A. to require local systems to provide information regarding meningococcal meningitis to parents, but only if systems already routinely provide information to parents on immunizations, infectious diseases, medications or other school health issues in grades 6-12. The following information must be included:

- Description of causes, symptoms and means of transmission;
- List of sources of further information;
- Related recommendations issued by the federal CDC

DOE in cooperation with DHR will develop and make available information about the disease and its vaccine to local school districts, including posting it on its web site.

House Bill 484: Children of Active Military Stationed in GA Eligible for HOPE

This law amends Part 7 of Article 7 of Chapter 3 of Title 20 of the O.C.G.A. to provide that dependent children of personnel stationed in Georgia on active duty be deemed residents for the purpose of HOPE scholarships.

Senate Bill 8: Student Self-Medication with EPI Pens

This law amends Part 3 of Article 16 of Chapter 2 of Title 20 to provide for students to possess and self-administer auto-injectable epinephrine.

Single doses only would be allowed, and local policies would be mandated that require parents to provide (annually, or more frequently if dosage or medication changes):

- Written directions from the doctor with a statement that the student is able to self-inject;
- Written permission by the parent (with a release for the school to talk to the doctor) that releases the school from liability associated with the drug and the self-administration.

A student would be authorized to possess and use the device:

- In school;
- At school-sponsored activities;
- Under the supervision of school personnel;
- In attendance at before-school and after school programs on school property.

A school system and/or school employees would not be liable unless proven guilty of willful or wanton misconduct.

XIV. **Transportation**

There were no bills passed in 2009 in this category.

XV. **Final Remarks**

The 2009 session of the Georgia General Assembly was one in which the major issues revolved around the state budget and all the attendant problems related to it. Funding for schools and other governmental services was reduced dramatically, and only the infusion of federal stimulus dollars helped to ease the pain. Even then, state agencies faced the reality of having to implement employee furloughs and other budget-reducing measures, and local school systems grappled with the issues of layoffs and other cuts. State revenues continue their downward trend, and it appears that lean state and local budgets will be a reality for the foreseeable future.

Some legislative leaders, particularly those connected to education committees, had suggested that it might be a good idea to have education legislation be treated the same as retirement legislation: Any bill introduced must be introduced in the first year of the two-year session, debated during that year and in the interim, have a fiscal note attached, and only receive final action in the second year. After observers watched some hastily-crafted and poorly-written education legislation race through the process during the waning hours of the 2009 session, that idea has come to have greater merit! However, such is not likely to become the case, as many, many lawmakers feel they have “the answer” to public education’s problems, and their impatience to have “their bills” enacted would seem to work against this seemingly rational process. Ah, the Georgia General Assembly.....