



## **REPORT FROM THE CAPITOL**

*Presented by*

*Georgia School Superintendents Association*

*This publication will provide the reader with a synopsis of various educational bills tracked by GSSA during the 2013 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).*



*GSSA's mission is to be the chief advocate for Georgia's public school children.*

# GSSA 2013 LEGISLATIVE REPORT

## FY2013 AMENDED BUDGET

In his original recommendations to the General Assembly for the FY2013 Amended Budget, Governor Deal recommended 3% cuts to Agriculture Education, CTAE programs, Communities in Schools, the Governor's Honors Program, and to RESA's. The General Assembly reduced those cuts to only 1.5% cuts, and also took the following actions:

- Decided to apply no cuts to sparsity grants, which are awarded to 21 small, rural systems;
- Adjusted the Local Five Mill Share by \$6.6 million, all of which was related to adjustments to charter school funding;
- Agreed with the Governor's recommendation to add \$167 million for enrollment growth, special needs voucher funding, funding for state special charter schools (HB797 from the 2012 session of the General Assembly), and funding for newly-approved charter systems;
- Agreed with the Governor to add \$130K to administration of the newly-approved State Charter Schools Commission; and,
- Kept in place **\$1.14 BILLION** in austerity cuts.

## FY2014 BUDGET

As he had done in the FY2013 Amended Budget, Governor Deal once again recommended 3% cuts to Agriculture Education, CTAE programs, Communities in Schools, the Governor's Honors Program, and RESA's. Once again, the General Assembly reduced those cuts by 50%.

There were many, many "transfers" of funds related to specific functions of the Department of Education, said "transfers" explained as tying those former central office funds to the actual programs to which they were related. In addition, the central office of DOE suffered huge budget cuts which can only be managed by a significant reduction in staff.

In addition, the General Assembly:

- Restored the \$2.6 million in sparsity grant funds that the Governor had recommended eliminating;
- Added \$291 thousand to support the education of special education students attending school in residential treatment centers;
- Eliminated any cuts that were recommended for the school nutrition program;
- Added \$38 million to fully fund the new equalization formula; (Note: The new formula, which uses the state average wealth per FTE as the benchmark rather than the old benchmark which used the wealth per FTE of the school system at the 70<sup>th</sup> percentile, calls for approximately \$540 million in state funds rather than the almost \$900 million that the old formula would have needed for full funding.)

- Adjusted the LFMS by \$5.2 million, once again related to adjustments in charter school funding;
- Added \$2.6 million in additional funds for school nurses and \$795 thousand for professional development purposes, but reduced funds for school counselors (a one-year anomaly) by \$899 thousand;
- Included \$146.5 million to cover anticipated enrollment growth in FY2014;
- Transferred \$15.39 per FTE from central administration to classroom technology (smallest 18 school systems held harmless from this move);
- Eliminated the Governor's recommended cut of \$1.28 million for ETC's and returned those funds to the affected RESA's;
- Added \$7.2 million to pay for charter system grants;
- Agreed with the Governor's recommendations for funding the bond package for FY2014 (all capital outlay requests approved at 1005, \$7 million in grants to improve technology infrastructure, \$3.6 million to purchase vocational equipment, and \$20 million for local systems to purchase school buses); and
- Unfortunately, left **\$1.4 BILLION** in place in the form of austerity cuts.

Discussions continued throughout the session on both the cost and the impact of health care costs, which continue to rise on both employees and employers and which all agree will continue to have a dramatic impact on the ability of both the state and local systems to provide adequate funding for education and other state services. The Department of Community Health will continue to seek ways to contain, if not reduce, these costs in the future, and state and local officials will monitor those activities closely.

#### HOUSE BILLS PASSED BY HOUSE AND SENATE AND NOT VETOED:

##### **HB 70:** Special Education Scholarship Waiver

This bill amends Article 33 of Chapter 2 of Title 20 of the O.C.G.A. to allow the SBOE to require a LBOE to expedite the development of an IEP and to waive the prior year attendance requirement on a case by case basis at the request of a parent. The SBOE may also require that the expedited plan be completed prior to the beginning of the school year. An annual report regarding the number of waivers allowed is required by December 31 of each year through 2015.

The SDOE has to provide application deadline opportunities for student transfers on September 14, December 15 and February 15 of each year.

The bill sets specific dates for SDOE payments to parents of scholarship students as spelled out in the bill. The payments will be made quarterly and have to be as equal as possible, unless the supplemental budget should require adjustments. These payments are subject to audit, and failure to make the payments as prescribed in the law has to be published as audit exceptions on the website.

**HB 115: Suspension and Removal of LBOE Members**

This bill amends Article 3 of Chapter 2 of Title 20 of the O.C.G.A. to require that once a system or school is placed on the level preceding loss of accreditation for school board governance related reasons, the local board of education has to notify the SBOE in writing within three business days of such placement. The SBOE must then conduct a hearing in not less than ten days, nor more than 90 days when the local board has reached the level preceding loss of accreditation. A majority of the members of a local board can petition the SBOE to continue any hearing so scheduled. The SBOE can continue such a hearing with demonstration of good cause.

Deliberations held by the SBOE in such hearings will not be open to the public, but testimony is required to be held in public, and the recommendation of the SBOE following deliberations must be announced in an open meeting following the hearing or at the next regularly scheduled meeting. It strikes a paragraph that is outdated regarding reinstatement of accreditation by July 1, 2011. It adds a statement to clarify that an eligible member of a LBOE means one serving at the time the accrediting agency placed the system or school on the level of accreditation immediately preceding loss of accreditation.

It goes on to add that a LBOE cannot spend public funds for attorney's fees or expenses of litigation on the part of the LBOE members once the SBOE has recommended removal. However, the law does not prohibit an insurance provider from covering such fees. Should a local BOE member be reinstated by the Governor, he/she could possibly be reimbursed by the LBOE for reasonable attorney's fees and related expenses for pursuing reinstatement.

If, between July 1, 2013 and June 30, 2015, a high school in Georgia was accredited by one of the approved accrediting agencies during the previous two years, students from that high school will be considered eligible for HOPE scholarships even if the system loses accreditation.

**HB 116: Transfer of Gifts, etc., from DOE to GFPE**

This bill amends Article 1 of Chapter 2 of Title 20 of the O.C.G.A. to authorize the SBOE to transfer donations, gifts, and other property held in trust to the Georgia Foundation for Public Education for management and administration.

**HB 131: Dual Credit Courses and HOPE Eligibility**

This bill amends Part 3 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to add the definition of "dual credit course" to match other portions of the law and to require that dual credit coursework in core courses to be weighted by GSFC the same as advanced placement and IB courses are currently weighted to count toward HOPE eligibility, if the courses are taken in state institutions by state resident students.

**HB 211: Exempt Public School Systems from Motor Fuel Tax**

This bill amends Code Section 48-9-3 of the O.C.G.A. to exempt school systems from motor fuel excise taxes. This exemption is available from July 1, 2013 to June 30, 2015 and

applies exclusively to fuel used to operate school buses when the fuel is bought by the school system.

#### **HB 244: Educator Evaluations**

This bill amends Chapter 2 of Title 20 of the O.C.G.A. to revise evaluation procedures for educators.

1. A renewable certificate cannot be issued to an educator who received any combination of two unsatisfactory, ineffective, or needs development, annual summative performance evaluation ratings in the previous five years. The individual can apply for a nonrenewable certificate.
2. All systems and charter schools must report such ratings for certified personnel in their employ to the PSC, who are prohibited from releasing any data that are personally identifiable.
3. Current requirements for PDP's for professional personnel with deficiencies are eliminated, as well as current requirements for annual evaluations.
4. The SBOE's responsibility to provide a model annual evaluation instrument for each classification of professional personnel changed from "shall develop" to "may provide," and an instrument developed primarily by the DOE for certain personnel is specifically required.
5. By 2014-2015, an evaluation system adopted and defined by the State Board will be required of all elementary and secondary school teachers of record, assistant principals, and principals. The SBOE will designate exactly who fits in these roles and how they will be defined.
6. Stakeholders such as teachers and principals will participate in development of the instrument.
7. Multiple rigorous and transparent measures must be used, prioritizing growth in student achievement; and they must be sent to all educators affected.
8. The measures have to include the following elements:
  - a. Teachers of courses that are subject to state tests and their principals will be held responsible for the identified growth requirements as 50% of the evaluation.
  - b. Other teachers will have growth of student achievement assessed through locally development measures approved by the DOE; and, when enough data is available to the DOE, growth measures will count for 50% of their evaluations.
  - c. Multiple classroom observations by trained and credentialed evaluators using clear rubrics will be required, along with student perception data and documentation of practice.
  - d. Assistant principals' and principals' evaluations will also include multiple additional measures aligned with impact on achievement to include multiple school observations by credentialed evaluators. When data is sufficient, the following abilities will be elements:
    - i. Attracting and retaining highly effective teachers;

- ii. Managing the school effectively;
  - iii. Establishing a positive school climate for learning; and
  - iv. Taking other measures aligned with achievement for all subgroups of students.
- e. The ratings for each educator will be “Exemplary,” “Proficient,” “Needs Development,” or “Ineffective,” as defined by the SBOE. A rating of “ineffective” will constitute evidence of incompetency for purposes of non-renewal.
9. The DOE will be responsible for:
- a. Determining the teacher of record for establishing responsibility for student achievement scores;
  - b. Establishing processes for roster verification and student teacher linkages to assign student scores to the appropriate teacher;
  - c. Establishing minimum training and credentialing requirements for the evaluators; and
  - d. Providing data systems to support professional growth.
10. All teachers of record, assistant principals, and principals must have a pre-evaluation conference, a mid-year evaluation conference, and a summative evaluation conference, according to SBOE rules.
11. Results of the annual summative evaluation and any formative observations conducted throughout the year must be available to the educator within five working days of the evaluation. The educator may then request a conference within ten working days of the notice of results, and the conference must be held within ten working days of the request. The individual evaluated, his or her supervisor, and the evaluator must all be present at the conference, unless otherwise agreed.
12. LBOE’s retain all hiring, dismissal, RIF, and placement decisions, but those decisions will have to be made primarily on the results of the evaluations. Professional growth opportunities based on the evaluations will be the responsibility of the LBOE and must be of high quality and job-embedded with ongoing mentoring, and support.
13. All evaluations will be confidential, but performance data will be submitted to the DOE and could be publically released without personally identifying information.
14. Individuals can sign releases of the information to third parties.
15. Individual data may be shared with the OSA, but they cannot release it.
16. The possible required annual performance evaluation of principals and assistant principals by teachers of the school is eliminated.

17. The paragraph that requires a teacher to have a PDP if he/she has more than two students returned to the class after he/she has requested they be removed is eliminated.
18. May 15 is the new permanent deadline for tendering new contracts.
19. Teachers will not receive credit on the salary schedule for any year in which the teacher receives an unsatisfactory or ineffective performance evaluation, or for the second year in which the teacher receives two consecutive needs improvement ratings.
20. Teachers will not be able to file grievances regarding personnel evaluations, PDP's, or job performance. This already applies to termination, nonrenewal, demotion, suspension or reprimand of any employee.

**HB 283:** Revision of Title 20

This bill would amend title 20 of the O.C.G.A. to include the following changes:

1. A member of a LBOE who votes against submission, votes to withdraw a submission, or takes no action to comply regarding a local Act that is required to be submitted for preclearance with the US Department of Justice has committed a misdemeanor.
2. A LBOE cannot expend public funds for attorney's fees or other legal expenses regarding the defense of a member who has violated the above requirement.
3. If a LBOE as a body fails to comply with the above requirement, the Attorney General must either require the submission or bring appropriate actions to enforce compliance. (Note: Sections 1, 2, and 3 apply specifically to the Sumter County Schools.)
4. A consolidated school no longer has to be located as close to the center of the district as possible.
5. The consecutive years requirement is removed so as to allow a system under an IE<sup>2</sup> contract to meet the accountability component for any three years of the five year contract and, therefore, to be exempt from consequences; or if the system or school within the system meets the performance goals by the end of the fifth year of the contract, then the system or school will be deemed to have met its contract goals.
6. If, upon the end of the fifth year, the school is in noncompliance with its IE<sup>2</sup> contract, then loss of governance will be invoked.
7. The county authorities no longer must provide the superintendent an office in the courthouse.
8. References to the vocational program are changed to "career, technical, and agricultural education."
9. The Middle Grades Program is retained as one of the 19 QBE funding programs, but it will earn Middle School Program funding weights.
10. All the funding program weights are adjusted down from the FY 2013 weight with the exceptions of Grades 4-5, middle grades, middle school, and CTAE.
11. The charter system "bonus" is adjusted so that current charter systems are eligible to earn no more than \$4.5 million per fiscal year, and such funds must be used in accordance with recommendations of the school level governing body established by the charter or to advance student achievement goals and school level governance training objectives contained in the charter.
12. Beginning FY15 and thereafter, school counselor funding will be provided within the components of each program to provide at least one counselor for every 450 FTE's;
13. ESOL and special education components will be added to those earning funding for counselors in FY2015 and thereafter.

14. Gifted and REP components will be added to those earning funding for counselors in FY2016 and thereafter.
15. The clause “which shall include, but not be limited to, textbooks and technology” is added to the provision that requires all program weights, multiplied by the base amount, to be sufficient to pay the cost of the listed items [which they never have].
16. 20-Extra Day funds are allowed to be used during the regular school day, and transportation costs for students participating in such additional classes are allowed.
17. Funding for the operations costs of operating central offices has been eliminated, except for “certain systems as deemed warranted by the DOE.”
18. The base size to earn full state funding for SSW’s/Visiting Teachers is changed from one per 2,475 FTE’s to one per 2,420 FTE’s, beginning in FY2016.
19. Earnings for school psychologists, special education leaders, and SSW’s are placed into one student services category.
20. The requirement regarding notification of vacancies is changed to include advertisement within the system and submission of available positions to a state-wide online job data base maintained by the state.
21. The definition of “Needs Improvement School” has been deleted, and all existing references are changed to “receiving an unacceptable rating.”
22. The grant program designed to attract proven leaders to “Needs Improvement Schools” is changed to those that have “received unacceptable ratings” by the SBOE.
23. Staff development sponsorship changed from LUA’s to local BOE’s.
24. A grant program to include “ purchase of technology capital, including, but not limited to, desktop computers, network equipment, wireless equipment, tablet computers, laptop computers and other devices or equipment that advances student learning” has been established.
25. LEA’s are required to commit to expanding and paying for high speed bandwidth for five years and to create a plan of use of the bandwidth in each school for instructional purposes with the grant criteria taking into account financial needs and availability of existing bandwidth of LEA’s.
26. Technology plans that incorporate use of the new technology into student learning and professional development are required, and local matching funds to demonstrate sustainability are necessary (though waivers for the matching funds are possible for those demonstrating financial needs).
27. All references of commission charter schools are changed to state charter schools;
28. The DOE is authorized to set fees for one-credit and half-credit courses offered by local systems or a charter school to other systems or charter school.
29. The local system or charter school is authorized to set the teacher compensation for the shared course based on the number of students taking the course and the course fee.
30. The parent of a child who is being home-schooled is authorized to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student’s full-time or part-time status, grades, or any other required educational information for such uses as verification of attendance for drivers’ licenses, employment of minors, or anything required to apply for state or federal public assistance.
31. The parties in a charter application must be a three-party agreement among a charter petitioner, a LBOE, and the SBOE, and the petitioner after July 1, 2013, must be a party other than the LBOE.
32. A charter school facility and equipment must meet safety standards of the state agency or entity that owns or operates the facility, or if a charter facility is owned by a LEA and operates with state standards, then the facility is deemed to meet safety standards. (Nothing in safety requirements could disqualify the charter school from eligibility for state or federal grants for a facility or equipment.)

33. A LBOE's approval or denial of a charter petition must occur within 90 days (formerly 60) after its submission.
34. An annual financial audit conducted by a state auditor for the school system may count for a charter school, if it is included in the system audit.
35. Students who attend a pre-kindergarten program associated with a charter school, such as sharing common facilities or campuses and having established a partnership with the school, are given priority for enrollment in the charter school.
36. Reference to adequate yearly progress data required from a charter school in an annual report is removed.
37. The required annual report for charter systems requires a description of:
  - a. The actual authority exercised by governing councils with regard to each of the components of school level governance;
  - b. Training received by governing councils and school administrators; and,
  - c. Steps the charter system plans to take to increase school level governance in the future.

The report must include:

- a. An itemization of initiatives supported with the additional funding received and how those funds have promoted school level governance or improved student achievement;
  - b. A comparison of actual performance as related to the goals in the charter;
  - c. The name and contact information of an employee in the charter system who can facilitate communications between the Office of Charter School Compliance and the chairperson of the governing councils in the charter system; and
  - d. The already required on-site evaluation of the charter system at least once every five years as determined by the SBOE.
38. Charter termination is authorized as a result of the SBOE's audit or other information, if there exists:
    - a. Failure to comply with any recommendation or direction of the SBOE;
    - b. Failure to adhere to any material term of the charter;
    - c. Failure to promote school level governance as required by the charter; and,
    - d. The previously existing grounds for termination as specified in law;
  39. Charter facility leases are allowed to extend no longer than three years, rather than five;
  40. Creation of a nonprofit corporation that could qualify as a public foundation for the purpose of managing donations to public education is allowed [Several regulations regarding such a foundation are listed, such as open records requirements and reporting all donations and amounts to the Governor and other state officers annually.].
  41. Students who have been enrolled in a public school *for at least six weeks* are then eligible to receive a scholarship or tuition grant through a student scholarship organization that operates for private schools;
  42. The six-week enrollment may be waived if the student would otherwise attend a low-performing school or a school that has documented cases of school-based violence or verbal abuse threatening physical harm, or who was enrolled in home study for at least one year immediately prior to receiving a scholarship or tuition grant;
  43. Student scholarship organizations must obligate:
    - a. At least 90% of the first \$1.5 million of annual revenue to scholarships or grants;
    - b. At least 93% of revenue beyond \$1.5 million up to \$10 million to scholarships or grants;
    - c. At least 94% of revenue beyond \$10 million up to \$20 million to scholarships and grants; and,
    - d. At least 95% of revenue beyond \$20 million to scholarships or grants.

44. Scholarships or grants must be designated for specific students on or before the end of the calendar year following the receipt of revenues.
45. The funds can be distributed to qualified private schools in a lump sum or in a multi-year designation; however, if the student becomes ineligible, the funds must be returned to the scholarship organization.
46. The returned funds must be obligated to specific students on or before the end of the following calendar year.
47. Financial needs of students as determined by specified procedures must be considered in the awarding of scholarships or grants.
48. The scholarship organization must hold unobligated revenues in a bank or investment account owned by the student scholarship organization and over which it has complete control.
49. Annual audits must be provided to the Department of Revenue; and if the audit fails to verify compliance with financial requirements of the law, the DOR will post the failure to comply on its web site, and the organization will not be eligible to receive further revenues until it does comply.
50. Each student scholarship organization must report to the DOR the total number of families receiving scholarships or grants who fall within each quartile of GA adjusted gross income, along with other requirements as have previously existed, and that information will be posted on the DOR web site.
51. A tax credit will be denied if the taxpayer designates a benefit for a particular individual, and student scholarship organizations are prohibited from negotiating the benefit to go to a particular individual under penalty of dissolution.
52. The aggregate amount of tax credits has been increased from \$50 million to \$58 million per tax year.

#### **HB 284: Return to Play Act**

This bill amends Part 15 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to require public and private schools with athletic activities for children under the age of 19 to create return to play policies in cases of concussion or head injuries. The policy must contain:

- a. An information sheet to be provided to parents to inform them of the nature and risk of concussion and head injury; and,
- b. A requirement to remove a youth athlete from the game if it is determined he/she has exhibited signs of a concussion with no one allowing the athlete to return to play for full or graduated participation without approval from a health care provider.

Public recreation facilities are required to provide parents with the information sheet and are encouraged to adopt a similar policy.

Activities at a college or university or instructional activities incident to a nonathletic program in a church or synagogue are not covered by the law, but they are encouraged to establish policies, as well. Schools and recreation departments carry no liability for removal or non-removal of an athlete.

The Department of Public Health is required to endorse one or more concussion recognition courses, at least one of which would be available online.

**HB 337: Epi-Pens Supply**

This bill amends Part 3 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A. to authorize public and private schools to stock a supply of auto-injectable epinephrine if they have a prescription from a licensed practitioner. A designated employee trained to handle the epi-pens is responsible for storage, maintenance and distribution of the school's stock. Any trained employee or agent of the school is able to provide the epi-pen to any employee or student for self-injection, or they can administer the treatment according to their training regardless of whether the student has a prescription for an epi-pen. The school may arrange with drug suppliers to have the stock free of charge or for a reduced price.

The SBOE must adopt regulations to implement the law by July 1, 2013

Anyone who administers an epi-pen under these circumstances is immune from liability as long as it was not willful or wanton misconduct. The same applies to a licensed practitioner (physician, advanced practice registered nurse, or physician assistant) who prescribes the epi-pens. A pharmacist may dispense epi-pens for this use pursuant to a prescription.

**HB 372: HOPE Eligibility Revision**

This bill amends Title 20 of the O.C.G.A. in Code Section 20-3-519.5 to revise continuation of eligibility requirements for a HOPE grant (technical colleges) after completing a specified number of courses by changing the post-secondary GPA from 3.0 to 2.0.

HOUSE RESOLUTIONS PASSED BY HOUSE:

**HR 552: School Counseling Programs**

This resolutions calls for implementation of a comprehensive school counseling program such as the American School Counselor Association's standards and re-affirms what is already in the law, that counselors should spend five of the six full-time segments counseling students, parents and guardians.

SENATE BILLS PASSED BY SENATE AND HOUSE AND NOT VETOED:

**SB 100: Career and Technical Education Advisory Council**

This bill would amend Article 2 of Chapter 14 of Title 20 of the O.C.G.A. to reestablish the Career and Technical Education Advisory Commission. The members would consist of four members of the House: one from the Committee on Economic Development and Tourism; one from the Committee on Agriculture and Consumer Affairs, one from the Committee on Education and one from the Committee on Higher Education. Four additional members would come from corresponding committees in the Senate; three would come from the Governor's appointments of non-General Assembly members; and three would come from appointments by the State School Superintendent outside the General Assembly.

The DOE would report annually to the commission regarding “the conditions, needs, issues, and problems of the program” and recommend any needed legislation. The commission meets once, but not more than four times, annually.

**SB 115:** Performance Data Included in Residential Placement

This bill amends Code Section 20-2-133 of the O.C.G.A. The academic, attendance, and behavioral performance of children placed in residential treatment centers will be counted as part of the records of a separate, state-level LEA and will no longer be counted as part of the records of the local school system in which the residential treatment center is located.

**SB 212:** Required CPR

This bill amends Part 2 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to require schools to provide training in CPR and the use of AED’s for students in grades nine through 12 as a requirement within existing health or P.E. courses. The training must include, in addition to the psychomotor skills necessary to perform CPR:

1. A program developed by the American Heart Association or the American Red Cross, or
2. A program nationally recognized and based on the most current national guidelines for CPR and AED’s.

The teacher is not required to be a certified trainer or to facilitate instruction that does not result in certification in CPR and the use of an AED. The students would not have to be certified unless the LBOE chooses to offer courses that would result in certification. The SBOE would be responsible for a procedure to monitor said instruction.