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 2012 session of the General Assembly. Report from the Capitol can also be viewed on the GSSA website at www.gssanet.org.

GEORGIA SCHOOL SUPERINTENDENTS ASSOCIATION

GSSA 2012 LEGISLATIVE REPORT

BUDGET HIGHLIGHTS/LOWLIGHTS:

FY2012 AMENDED BUDGET:

The FY2012 Amended Budget continued a pattern established in the first year of the Perdue administration (2003) and continued since: the inclusion of massive "austerity cuts" to the basic QBE formula. The cut for 2012, to the surprise of no one but to the consternation of many, amounted to more than $1.1 billion. Coupled with the continued underfunding of critical areas such as pupil transportation and the equalization grant formula, local systems picked up more and more of the cost of paying for the education of Georgia's public school students while the state's share continued to dwindle. Specific cuts/allocations included:

- Approximately $83 million for enrollment growth;
- Approximately $7 million to pay step increases for early-career math and science teachers;
- $13 million added for charter grants, virtual charters, and virtual state special charters;
- Additional cuts to the state's testing budget in the amount of $271 thousand;
- The restoration of cuts that had been recommended by Governor Deal in the areas of agriculture education, RESA's, and information technology; and,
- $5 million added to "soften the blow" for systems that are entirely eliminated from the FY2013 equalization grant program due to the passage of new legislation that created a different formula and distribution system for these funds.

FY2013 BUDGET:

The FY2013 Budget, like the ones before it, continued the austerity cuts (another $1.1 billion for the new fiscal year). In addition, the budget included:

- Funds to pay for enrollment growth and for training and experience (T & E) for teachers in the amount of $112 million;
- A special grant for state special charter schools in the amount of $8.6 million and funds for charter systems in the amount of $2.8 million;
- $2.8 million to pay step increases for early-career math and science teachers;
- $25 million in bond funds to buy school buses; and,
- $250 thousand that mysteriously appeared in the final budget document, said funds to pay for something called the "Global Initiatives Program."

For reasons not ever fully explained, the FY2013 Budget called for funds budgeted for the special needs voucher program ($10 million), pupil transportation ($128 million), and school nurses ($30 million) to be "transferred to the QBE program." Proponents of the shift tout the move as one that would provide greater "flexibility" to local systems in the use of these funds; skeptics believed it to be nothing more than a political ploy used to provide lawmakers with talking points used by them to brag that they had "put more money into QBE." Realists see it working out well for local school systems, as legislators have been

loathe to touch funds that are "above the line" on the QBE allotment sheets (which is where these funds will now reside).

All in all, the budget picture for local systems remains bleak. And, the picture is not brightened by the massive increases demanded of local systems in the area of employer's share of health costs for both certified and classified workers. If brighter budget days are ahead, those days are still not visible to most.

HOUSE BILLS PASSED BY HOUSE AND SENATE AND NOT VETOED:

HB 39: Compulsory Attendance

This law amends Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A. to shift home school declarations and *annual* attendance records from LEA's to the SDOE with provisions that allow electronic submittal. It also allows LEA's to notify parents of unexcused absences in excess of 5 days by first-class mail instead of the more costly certified, receipt requested, letters. However, before a case can be adjudicated to impose a penalty on the parents/guardians, a certified, return receipt requested, letter will have to be sent. The DOE will have to coordinate with local superintendents regarding notification of parents in home school programs.

NOTE: Students in registered home school programs that do not meet or keep attendance records could result in a child going without instruction for a full year before the DOE would realize that instruction is not taking place.

HB 175: Online Clearinghouse Act

This law amends Part 14 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to create a clearinghouse through which local school systems and charter schools may offer their computer-based courses to students in other local school systems and charter schools. The DOE will have to create the clearinghouse and set fees for participation. Only courses deemed to meet state curriculum standards and taught by highly qualified teachers will be approved for use. The DOE will establish applications for submitting coursework and set the technical specifications necessary. They will also advise the owners of the courses regarding copyright laws. A specific process for cataloging the courses is provided in the law.

A student who desires to take such a course must get approval from his/her local system or charter school for acceptance of credit, and he or she must accept for credit the grade assigned by the delivering system or charter school. Withdrawal from such courses will have to meet local system or charter school prescribed procedures, but a pro-rated refund will be sent to the system or charter school if a withdrawal occurs.

A student participating in a clearinghouse course will be counted in the funding formula of the student's school system or charter school, just as if he/she were taking the course in a

regular classroom. However, no later than the last day of the course, the DOE will deduct the cost for the course from the home school's allotment and pay that amount to the delivering entity. The system or charter school delivering the course will pay the teacher conducting the course the additional compensation set by the DOE, based on the number of students taking the course and the course fee.

The DOE may determine that a course could be offered as a dual enrollment course and may be offered to students in private schools or home schools. Courses could also be offered outside the normal school day or week, including extra fees if necessary.

Local systems and charter schools can offer distance learning courses from other sources outside the clearinghouse.

HB 208: ERS Term (and TRS)

This law amends Code Section 47-3-127.1 of the O.C.G.A. relating to employment of a retired teacher as a full-time teacher or in other capacities to change the date of automatic repeal from June 30, 2016 to June 30, 2013. [Though superintendents and principals are not mentioned in this bill, the change in the repeal date would affect them, as well.]

HB 297: Limits on Expenditures of Public Retirement Systems

This law amends Article 1 of Chapter 1 of Title 47 of the O.C.G.A. to prevent a public retirement system from purchasing life insurance policies on its members where the retirement system is the beneficiary.

HB 397: Open Meetings and Records

This law amends title 50 of the O.C.G. A. to comprehensively revise Open Meetings and Open Records. It adds to the definition of "agency" to include an "office." It revises the general definition of "executive session" as "a portion of a meeting lawfully closed to the public." It adds to the definition of a meeting the criteria of "official business or policy of the governing body is formulated, presented, discussed or voted upon." It outlines the same requirement for a committee of the governing body and adds "voted upon" to the list of activities that require an open meeting

It does not include a gathering to inspect its facilities or property in the requirements for an open meeting, and it omits training outside the district, attendance at state or regional meetings to receive or discuss information on matters related to the agency's purpose, if there is no official business of the agency to be discussed in either instance. Meetings with officials of the legislative or executive branches of the state or federal government, or state or federal offices, are also included as exceptions, as long as no official action is taken. Travel to and

from such meetings does not constitute a meeting, nor does attendance at social, ceremonial, civic or religious events, as long as no official business is formulated, presented, discussed, or voted upon.

All voting has to take place in an open meeting with all posting and notices in place. Gatherings outside the district require posted notice, even though votes are restricted in that environment.

. None of the exclusions in the preceding paragraph will apply if it can be shown that the primary purpose of that gathering is to evade or avoid the quorum requirements for conducting a meeting to discuss official business.

If a meeting is not held in compliance with the law, the contest to such a meeting will have to be filed within 90 days of the alleged violation with a statute of limitations of six months. Appeals for zoning decisions will still take place according to current law.

Notices of regular meetings have to be posted at least one week in advance, and an agency (or committees of the agency) holding meetings has to be posted and listed on the agency's web site. Written or oral notice has to be given to the legal organ at least 24 hours in advance of any other meeting and may include e-mail. The legal organ is then required to make that information available as quickly as possible and available upon inquiry of any member of the public. Upon written request from any local broadcast or print media outlet, a copy of the agenda has to be provided by FAX, e-mail, or through a self-addressed, stamped envelope provided by the requestor. Such requests can be made by these outlets within the previous calendar year to apply to all called meetings.

It adds posting the agenda in advance to requirements for committee meetings, as well as the recording and public availability of the minutes of the meeting. Added to the required content of meeting minutes is the identity of person making and seconding motions, and the names of each person voting for or against a motion, whether or not it is a roll-call vote. Minutes have to be taken at executive or closed sessions, but they will not be open to the public. If an attorney-client discussion is to be held, it will be identified in the minutes that it was held and what the subject of the discussion was, but the substance of the discussion is omitted. Those closed meeting minutes have to be kept and preserved for "in camera inspection" by a court should an issue arise.

Meetings by teleconference may be held as long as the regular requirements for meetings are met and the public has simultaneous access. Individual members may attend regular meetings by teleconference for reasons of health or being out of the district, limited to twice in a calendar year, unless a written opinion of a physician indicates medical reasons that prevent the member's physical presence on a regular basis.

Items that may be decided in a closed session without violating the law include authorizing the settlement of any matter that may be properly discussed in executive session by state law; authorizing negotiations to purchase, dispose of, or lease property; authorizing appraisal related to real estate acquisition or disposal; authorizing entering into a property

purchase contract subject to a public vote; or authorizing entering into an option to purchase property at a later public vote. No vote to acquire real estate taken in a closed session is binding until a public vote is taken, nor is a vote to settle litigation, claims, or administrative proceedings. All of these issues require disclosure of the identity of the property, the terms, and the disclosure of the identity of the parties and principal settlement terms.

Other closed sessions may be held to discuss or deliberate upon the employment, compensation, hiring, disciplinary action, dismissal, periodic evaluation, rating of a public officer, or the interviewing of candidates for the executive head of an agency. However, it will not apply to the receipt of evidence or when hearing argument on personnel matters, including whether to determine disciplinary action or dismissal. It also does not apply to discussions of policy regarding employment or hiring practices.

The law allows closing portions of meetings if discussion of exempt records is necessary. Whenever a meeting or portion thereof is closed, the person presiding (or all members if the board policy so provides) must sign an affidavit that no ineligible discussions or votes were held in closed session. Should a member begin an unauthorized discussion, the presiding officer would have to immediately rule the discussion out of order and discussion must cease. If one or more persons continues or attempts to continue the discussion, the presiding officer would have to immediately adjourn the executive session.

Violation of the law carries a fine raised from the previous $500 to $1000 for the first violation and $2,500 for every violation beyond within a 12-month period.

The definition of “pubic document” adds data and data fields and includes those in the possession of an agency, a private person, or an entity when the documents have been transferred for storage. All requested records have to be produced within three business days if they can be located and produced and only if they exist at the time of the request. If the requested records are not available within the 3 day limit, the agency has to provide a description of such records and a timeline for when they will be available. Requests may be made orally or in writing. The LBOE can require all written requests be sent (e-mail and fax are allowed) to a specific individual of the agency, either one of rank or one designated to receive such requests. The absence or unavailability of that employee cannot delay the agency’s response. The requestor may make photographic copies or other electronic reproductions using devices brought to the place of inspection. The agency may provide copies of a record and refuse access when portions contain confidential information that must be redacted.

If any agency designates open records officers, it has to do so in writing and must provide notice to anyone upon request, orally or in writing, of their identities. The agency also has to notify the legal organ of the county of those persons’ identities and has to post those names on its web site. The three day requirement will not commence until the request is presented in writing, or by e-mail or FAX. No oral requests will carry enforcement by this law.

The agency may charge a reasonable rate for search, retrieval, redaction and production or copying, but in no case could the charge for retrieval and reproduction include a rate higher than the prorated salary of the lowest paid full-time employee who has the

necessary skills to fulfill the request. The first 15 minutes has to be free. In addition to charges for search, retrieval or redaction, a copying charge of 10 cents per page for letter or legal sized documents can be applied. In the case of electronic records, the actual cost of the media on which the documents, records or data are produced can be required.

If a requester does not pay the fees, the agency is authorized to use all collection procedures available to it.

If an agency is required or has decided to withhold a record, the agency must notify the requester the legal grounds on which it has made the decision to withhold the record.

If production of the requested records cannot occur within three days, the agency will have to produce those that are available and a description of those unavailable with a timeline when they can be provided. If an agency charges more than $25.00 to respond, it must notify the requester within three days regarding an estimate and can delay retrieval until payment is agreed. If the amount exceeds $500.00, the agency could postpone retrieval until pre-payment is made.

Documents sought for civil or criminal action are not subject to the law but to normal rules governing production of documents for use in civil court; nor does the law apply to any proceeding relating to the revocation, suspension, annulment, withdrawal, or denial of a certification or any personnel proceeding authorized elsewhere in the law.

Electronic data can be provided in the format and software available to the agency or in a standard export format such as ASCII, if the agency's exiting programs support it. The requester has to give specific information about the e-mail, texts, etc., to allow the agency ease of locating the information. Web sites accessible by the public can be a vehicle of access to records. The written requests need to contain information about the messages desired, including, if known, names, office, and to the extent possible, specific data bases to be searched for the desired messages.

No public officer will be required to prepare new reports, summaries, or compilations not in existence at the time of the request.

Records that are prohibited from release include personal information of public employees such as telephone numbers, social security numbers, addresses, etc. Also included are records that jeopardize receipt of federal funds and records that consist of test questions; scoring keys; or other testing materials administered by public schools, colleges and universities, and public technical schools.

Records cannot be released that contain communications subject to attorney-client privilege as recognized by state law. Those of this nature that are subject to release include factual findings of an attorney conducting an investigation on behalf of a BOE, so long as the investigation is not related to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions. Specific requirements regarding releasing evidence in court proceedings are included in the law with heavy fines for violations up to $100,000.00 and/or imprisonment.

BOE's and individuals are exempt from legal action as a result of providing access to information in good faith and according to the law.

HB 683: Garnishments

This law amends Chapter 4 of Title 18 of the O. C.G.A. to allow school systems to answer to garnishment proceedings by authorized officers or employees of the system without using an attorney, but an attorney would be required to represent the system if there were further garnishment proceedings. The payment of funds into court can also be done by an authorized officer or employee of the system without going through an attorney.

HB 692: Educator Salary Reduction if Scores Falsified

This law amends Chapter 2 of Title 20 of the O.C.G.A. to require forfeiture of a salary increase or bonus if assessment results or standardized test scores are falsified. It also requires reimbursement of any and all amounts previously paid to him or her based on the results of falsified student assessments or standardized test scores.

HB 706: SBOE Powers Returned to Superintendent

This law amends Chapter 2 of Title 20 of the O.C.G.A. to delete obsolete, unused and unnecessary provisions; to clarify eligibility for enrollment; to eliminate a deadline for annual performance evaluations; to clarify the legal status of RESA's; to shift home school registration and reporting to the DOE; and to provide conformity of several provisions:

1. It allows the SBOE to meet at a place of its choosing and for any actions taken at a meeting, regardless of location, to be in force and effect;
2. It removes the chair's authority to require staff to provide information and perform functions for the Board;
3. It prescribes an oath of office for all local superintendents;
4. It adds other countries to other states as residencies that would count toward initial enrollment in Georgia public schools at the grade level achieved in the former residence;
5. It eliminates the "Summer Opportunity Program;"
6. It removes any deadline for educator annual evaluations (formerly April 1);
7. It repeals the code section on increasing teachers' salaries in areas of shortage;
8. It repeals the code section on granting an additional 5% increase in teacher salary based on student performance;
9. It repeals the code section relating to career ladder programs;
10. It repeals the code section relating to the GA Education Leadership Academy;

11. It repeals the code section relating to staff development plans by local school systems;
12. It restores to the State Superintendent the authority to organize the DOE and prescribe the functions of each entity within the DOE;
13. It repeals the code section relating to demonstration programs;
14. It repeals the code section relating to electronic technology;
15. It repeals the code section relating to achievement grants;
16. It repeals the code section relating to educational research;
17. It affirms the status of RESA's as local units of administration;
18. It repeals the code section relating to third grade criterion-referenced reading assessment for students;
19. It repeals the code section relating to educational television;
20. It repeals the code section relating to a state program for middle school children during non-school hours;
21. It removes the authority of the SBOE to regulate local board contracts over $100.00 and over $100,000 on behalf of students; however, it retains giving preference to Georgia products that meet quality standards, and removes the stipulation that contracts over $100,000 cannot not be split to avoid the regulation;
22. It repeals the code section relating to the prohibition of contracts or purchases over $100.00 which are not in compliance with rules and regulations;
23. It repeals the code section relating to the authority of LBOE's to purchase educational information, literature and services;
24. It repeals Article 15 relating to school census;
25. It transfers to the DOE the former responsibility of local systems to receive registration and to monitor home school programs;
26. It repeals the code section relating to LBOE's sending copies of student conduct codes to the DOE;
27. It repeals the code section relating to voluntary pre-enrollment of children;
28. It repeals the code section relating to requiring bonds of principals;
29. It repeals the portion of the code section relating to the authority of the PSC relating to demonstration plans;
30. It repeals Article 20, the "Education Partnership Act of 1990;" and
31. It repeals the code section relating to possession of electronic communication devices in school.

As noted, it repeals a number of other statutes in Title 20, most of which are outdated or reference programs that have never been implemented or funded. This is a beginning toward total revision of Title 20, as recommended by the Governance section of the Vision for Georgia Public Education.

HB 713: Delay College and Career Readiness Index

This law amends Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to give the DOE another year to complete development of the curricula for the 16 prescribed courses of study until the 2013-2014 school year and to require the SBOE to prescribe a minimum course of study in career education K-12 with 16 focused programs of study identified in the law. There is a conflict in the introduction and the body of the law as currently listed on the General Assembly's web page. The introduction changes the mandated state-wide assessments for postsecondary readiness from 10th grade to the end of 11th grade, but that change does not appear in the body of the text.

Students in 11th and 12th grades who fail to meet the readiness standards are required to take transitional courses in reading, writing, and math with state-designed common standards, syllabi, and instructional materials. A state-wide process is required for determining how successful completion of those transitional courses guarantees that students will meet the readiness standards.

HB 760: Capital Outlay Funds Replace Exceptional Growth

This law amends Part 10 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to replace the exceptional growth program with an expansion of the maximum entitlement level for regular capital outlay earnings; to increase requirements for advance funding; to eliminate a non-binding referendum to close a school; to revise language on several items; to delete obsolete provisions; to prove for redirect requests due to fire or natural disaster; and to broaden eligibility for low-wealth capital outlay grants.

It changes the determination of the property tax wealth factor and the sales tax wealth factor to the use of ***unweighted*** FTE's.

It removes the exception for projects under supervision of the Georgia State Financing and Investment Commission regarding review and approval of all architectural and engineering drawings, and it eliminates prototypical designs approved by the GSFIC. By eliminating the GSFIC's participation, it removes the 2% reduction for required local participation of a GSFIC project, thereby requiring no more than 20% nor less than 8% local participation in all projects.

It increases the maximum annual authorization level (depending on legislative action on the annual budget) from $200 million to $300 million.

It eliminates annual debt service payments as a factor in the calculation of total state facilities needs, as well as local system needs.

It removes local systems earning credit toward entitlement for state eligible projects based on contributions in excess of required local participation. It does, however, grandfather in any entitlements that a system earns as of June 30, 2012.

It increases “no more than 3” to “no more than 5” the number of years required to offset advance funding for consolidation projects across system lines and removes the automatic repeal of the subsection on advance funding for consolidation projects set for June 30, 2015.

It removes all reference to exceptional growth provisions and the requirement for a non-binding referendum if a local board of education decides to close a school, but it retains requirements for public hearings.

It removes the provision that allows any person to circulate and file a petition regarding school closure.

It removes the provision that would prohibit a local board from receiving any funds for capital outlay for four school years if a bond election for school construction should fail.

It removes the antiquated requirement regarding consolidation or reorganization plans submitted to the DOE by July 1, 1992.

It allows school systems that have damage to buildings from fire or natural disaster, but have insufficient funds, to submit a request to the DOE for SBOE approval to redirect proceeds from a project not yet begun or one not yet fully reimbursed. The GSFIC and OBP have final say over the request. The system may then apply for an equivalent amount of funds in the following year to replace the advance funds needed to cover the emergency.

It removes consideration of per-capita income in regards to low-wealth systems’ ability to accrue funds necessary for capital expenditures.

It requires systems that receive a 1% sales tax for M&O to combine that revenue with property tax revenue to calculate an “equivalent millage rate” that generates that amount of funds before the system can be considered a low-wealth system. For low-wealth systems, for each mill over 12 levied by the LBOE (or the equivalent mills), the state board can authorize an additional 1% of the state eligible cost of the local systems’ first priority project in its five-year facilities plan, up to a maximum of 8 mills.

Eligibility for low-wealth capital outlay grants is changed to consider those ranked in the bottom 25% of LEA’s for sales tax revenue, rather than 75% of the state-wide average sales tax revenue per FTE. The property value per FTE also has to be in the bottom 25% of LEA’s.

Systems that meet the above requirements are able to submit a request to the DOE for consideration for a low-wealth grant, provided a commitment to apply the revenue from the 1% that they do receive for the next five years (or its equivalent in dollars). Criteria for the DOE’s consideration include the system’s ability to manage the project on its own and the system’s needs. It requires low-wealth systems to levy at least 12 mills (or “equivalent millage”) for M&O of the system. The low-wealth system has to use prototypical specifications as defined by the SBOE for its project. No low-wealth system is required to have a local contribution greater than the revenue generated by the 1% sales tax during the five year requirement. If the local system still runs short of the state eligible cost of the project, the state will provide the difference, subject to repayment through future entitlements.

HB 797: State Charter Schools (enabling legislation, in part, for HR1162)

This law amends Title 20 of the O.C.G.A. to repeal the article relating to the Georgia Charter Schools Commission and to establish the State Charter Schools Commission. It begins with philosophical statements about state charter schools complementing public schools and not supplanting them.

The law establishes the State Charter Schools Commission in collaboration with the DOE under the supervision of the SBOE. Start-up funds will be allocated by the General Assembly and will include any other funds that can be secured by the SBOE. The Commission will be appointed by the SBOE, composed of seven members: three from a list of no fewer than six recommended by the Governor, two from a list of no less than four recommended by the President of the Senate, and two from a list of no less than four recommended by the Speaker. Appointments must be complete before the first regular SBOE meeting in February 2013. Terms will be for two years, but a procedure is outlined to eventually stagger the terms. There is a two-year term limit, unless the appointing authority recommends an extension and the SBOE approves the extension. Vacancies will be filled by the SBOE, following the same procedure as outlined for each entity making recommendations. A minimum of a bachelor's degree is required to serve, and the bill requires diverse membership representing race, gender, geography with experience in finance, administration, law and education.

The first meeting will be no later than March 1, 2013 and bimonthly thereafter. A quorum will consist of four members. They will determine procedures for examining charter petitions and may use DOE personnel to assist. Commissioners will receive no pay, only reimbursement for expenses, and will be prohibited from accepting gifts, loans, contributions, services, promise, favors or any other thing of value.

The Commission's powers would include:

1. Approval or denial of petitions for state charter schools, including renewal, nonrenewal, or termination in accordance with rules established in the law (Petitions may be preliminarily approved before SBOE approval if such is necessary for raising working capital. The SBOE can overrule approval of a state charter within 60 days of the Commission's approval by a simple majority vote of the SBOE); and
2. Conduct facility and curriculum reviews of state charter schools.

The Commission's duties would include:

1. Review petitions for state charter schools and ensure that all approvals are consistent with state education goals;
2. Develop, promote and disseminate best practices for state charter schools to include replication of fiscally and academically successful charter school programs;
3. Develop, promote and require high standards of accountability for state charter schools and ensure that each school participates in the state's accountability system; (If a school falls short, the Commission has to report shortcomings to the DOE.)

4. Monitor and annually review and evaluate academic and financial performance and hold accountable; (They must also review the citizenship and immigration status of each individual that works at a state charter school and aggregate the information by school annually, and they will have legal immunity for so doing.)
5. Direct state charter petitioners to sources of private funding and support;
6. Actively seek, with DOE help, supplemental revenue from grants; (It is also authorized to receive such funds and expend them to carry out the purposes of the bill.)
7. Review and recommend any needed legislative adjustments;
8. Act as liaison for state charter schools for the purpose of cooperating with LBOE's that allow use of space within school facilities;
9. Encourage collaboration with government agencies, colleges and universities and technical colleges, and RESA's;
10. Administer state charter schools, thereby removing administrative burdens from LBOE's;
11. Assist charter schools in negotiations with LBOE's regarding administrative or transportation services to the state charter schools on a contracted basis;
12. Provide annual training for members of state charter school governing councils to include mandated training topics specified in the law.

The Commission will have to establish rules and regulations that require each charter school to provide adequate notice of its enrollment procedures, including the use of a lottery if applications exceed capacity. It must also provide adequate notice to LBOE's and to the public regarding Commission meetings. The notice will have to include the petition to be discussed and acted upon as per the Open Meetings Act.

Petitions for a state charter will have to include:

1. A state-wide attendance zone, or
2. A defined attendance zone and demonstrated special characteristics regarding population, curriculum or some other enhancing feature with demonstration of a reasonable justification for same.

If a state-wide attendance zone is proposed, the petition will have to be submitted simultaneously to the LBOE of the physical site unless it is solely a virtual school. The submission to the LBOE is for information only.

If a defined attendance zone is requested, the petition would have to be submitted simultaneously to the Commission, to the LBOE where the school would be located, and to each LBOE from which the school plans to enroll students. No action by the Commission will take place sooner than 60 days, or when and only if the petition is denied by the LBOE in which the school is to be located, or if it takes no action. The LBOE will have the right to present in writing or in person its reasons for refusal and the deficiencies of the proposal. The Commission may then to take into consideration any support or opposition to the charter by the LBOE or LBOE's if the LBOE of residence voted to approve or deny the petition.

The charter school will have to "seek highly qualified, properly trained teachers and other qualified personnel." The Commission will have to be consulted prior to hiring a non-citizen and

can approve the hiring of a non-citizen only if other qualified personnel cannot be found or unless the teacher is a foreign-exchange teacher.

The charter school has to give preference in contracting and purchasing services to businesses that have established places of business in Georgia, unless they do not have the necessary qualifications.

The governing boards of the school have to be U.S. citizens, residents of Georgia, and cannot be an employee of the state charter school. A member of the governing board will not be allowed to act in his/her official capacity when a decision regarding business with a family member or with a business in which he/she has a material financial interest is involved. He/she cannot accept favors or gifts from a family or business in which he/she has interest. He/she cannot use "insider information" regarding the school for any type of financial gain for him/herself, the family or his/her business interests. He/she also cannot serve on the board of directors of any organization that sells goods or services to the school. The governing councils of each state charter school are required to participate in annual training conducted by the Commission.

Existing charter schools are allowed to continue until expiration of their charters, whether they are local or state charters. They can decide to rescind the current charter (with local or state board approval) and apply to the Commission under the new law, but they will maintain the use of all facilities, equipment and other assets used prior to the expiration or rescission of its charter with a LBOE. The LBOE can charge, or continue to charge, a reasonable fee for the use of facilities.

Using a variety of media, the Commission will be responsible for disseminating information regarding state charter schools to all parents in the state.

The Commission chairperson will have to appear before the SBOE to report on the academic performance and fiscal responsibility of all state charter schools. If a state charter school is non-renewed or terminated, they will still be responsible for all debts incurred. LBOE's cannot assume the debt unless a previous agreement exists in writing.

The DOE would pay to each state charter school through appropriation of state funds:

1. Based on school size and number of students in each QBE program, the amount earned from FTE counts as applied to the QBE formula for Direct Instruction to include instructional salaries and T&E, plus operational costs for instruction. It will also include a per-FTE amount for psychologists and school social workers, and additional days of instruction. Included in Indirect Instructional costs will be school administration (one principal, assistant principal(s) based on size, secretaries based on size, and school administrative operational costs). There will also be a per-FTE amount for facility M&O, transportation, school nutrition and all other state grants other than equalization. Beyond that, it will include an amount per FTE for media centers, and 1% of educators' salaries earned at the state salary schedule entry level for staff development. Not included are central administration costs or technology specialists.

2. A separate grant will be calculated based on the average property wealth per weighted FTE for the lowest 3% of local systems (same *calculation* as used in equalization grants). That average per FTE amount will be awarded to each charter school, based on the school's FTE, from the state general fund.

[Note: Though each charter school will be treated as a local educational agency like a school system, it will not have Local Five Mill Share deducted from its allotment.]

If the state charter school offers virtual instruction, the allotment will be equal to half of the above calculations, unless the Commission feels an increased amount, up to the total, is warranted. They can also reduce the amount, based on a proportionate amount of virtual instruction provided and the cost to provide it.

The DOE can withhold up to 3% of a state charter schools' funding for use in administration by the Commission.

No local funds will be withheld from LEA's based on a resident student's enrollment in a state charter school.

Allotments can include funds for projected enrollment for start-ups and those schools adding grades. The Commission will have to provide OPB funding estimates for same no later than July 1 of each year. After the first FTE count, funds will be based on actual enrollment. [Mid-term adjustment?]

The Commission will be assigned to the DOE for administrative purposes only, and each state charter school would be treated as a single LEA.

HB 824: Revision of Calculation of Equalization Grants

This law amends Part 4 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. to revise calculation of equalization grants and to add an eligibility requirement.

For the ten systems that have grandfathered LOST funds for maintenance and operations, the proceeds from that tax will be added to property tax revenue in calculating wealth per FTE.

The 75th percentile point of equalization would be replaced with a state-wide average of wealth per FTE (guaranteed valuation), excluding the highest 5% of systems and the lowest 5% of systems.

It would omit systems with guaranteed valuation being allowed a reduction of the assessed valuation of property for calculating wealth per FTE.

To be eligible, a system has to fall below the state average wealth per FTE; and, beginning July 1, 2015, they have to levy at least 12 mills. Then by July 1, 2016 they have to

levy at least 12 ½ mills; by July 1, 2017 they have to levy 13 mills; by July 1, 2018 they have to levy 13 ½ mills; and by July 1, 2019 and thereafter, they have to levy 14 mills.

Mid-term adjustments for equalization purposes are still allowed.

HB 845: Flu Vaccine Info to Early Care Programs

This law amends Chapter 1A of Title 20 of the O.C.G.A. to require early care and education programs to provide information on the flu vaccine to the parent/guardian of every child enrolled. The information must to contain:

1. Causes and symptoms and how it is spread;
2. Risks of influenza;
3. Availability, effectiveness, and known contraindications of the vaccine;
4. Recommendations from the CDC, including recommended ages of children to be vaccinated.

The law will protect the institutions from liability and from responsibility for payment for the vaccine.

HB 879: Students with Diabetes

This law amends Part 3 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A. to provide for the care of students with diabetes. It defines a "diabetes medical management plan" as a document developed by the student's doctor that sets out the health services needed by the student at school and is signed by the parent/guardian. School personnel (not necessarily a health care professional) must be trained to implement the plan. A list of training guidelines required is included in the bill and may be provided by a school nurse or other health care professional with expertise in diabetes before school begins each year and with follow-up training as needed. The law requires a minimum of 2 trained school employees at each school where a diabetic child attends. Bus drivers also have to be trained regarding actions to take in diabetic emergencies. The functions of a school nurse or trained school personnel are listed, and at least one nurse or trained employee would have to be on site and available during regular school hours to provide for diabetic students. A student's school choice cannot be restricted because the student has diabetes.

If authorized by the management plan and the parents/guardians, the student will be able to manage his own condition and carry the necessary supplies and equipment at all times to do so.

No physician, nurse, school employee or LEA will carry liability if all guidelines are followed and he/she acted prudently. Private schools that comply with the law have the same limited liability for the school and its employees, but there is no requirement that they meet the mandates placed on public schools.

HB 944: Retirement and Pensions

This bill would amend Title 47 of the O.C.G.A. to revise, modernize and correct errors or omissions. It does not appear to offer substantive changes to the law.

HB 971: Worker's Compensation

This law amends Chapter 9 of Title 34 of the O.C.G.A. to provide that the board or any party to a settlement agreement can specify language that spreads a lump sum over the life of an injured worker. It adds a provision that the fine can be excused if the employer can show the board circumstances beyond the employer's control prevented the income benefits being paid in the prescribed period.

It revises the section on guardians for incompetent claimants and raises the net settlement from $50,000.00 to $100,000.00 with exceptions for minor claimants. Another section is revised to clarify the ranges of hearing loss.

HB 1178: DOE 10-Year Projection for Impact Bills

This law amends Code Section 28-5-42 of the O.C.G.A. to require that the DOE provide a 10-year projection of costs as part of a fiscal note prior to introduction of bills that would create a new program or funding category that would have "significant impact upon anticipated revenues or expenditures."

<u>HOUSE RESOLUTION PASSED BY THE HOUSE AND SENATE:</u>

HR 1162: Proposed Constitutional Amendment Regarding State Charter School Commission

This resolution calls for a Constitutional amendment to give Constitutional authority to the state to establish charter schools ["special schools'] without the approval of local boards of education. There is no clear reference to a charter commission. There is, however, clear wording that limits local boards of education in that they have no authority when the General Assembly should decide to "establish and maintain special schools."

NOTE: The ballot wording is extremely controversial and implies local system involvement by using the phrases "local approval," and "local communities;" however, local boards of education are omitted from ballot language.

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

SB 153: Fair Dismissal--Requirements and Rights

This law amends Chapter 2 of Title 20 of the O.C.G.A. to revise provisions regarding termination or suspension of a contract and PDP's for personnel with deficiencies. It changes the wording in the Fair Dismissal Act from "principal" to "administrator," and requires a statement in writing from the system that in the event of loss of students or program cancellation that the termination was *through no fault of the educator*. It further requires that furloughs for teachers and other school personnel during the school year would have to be on a Monday or a Friday or in conjunction with a holiday, unless the LBOE provides otherwise.*

*See SB 184 below.

SB 183: School Nurses and Off Site Consultation

This law amends Part 3 of Article 16 of Chapter 2 of Title 20 to allow school systems to contract with offsite health care professionals for consultation "through appropriate protocols and contracts" as an allowable part of staffing the schools with licensed health care professionals. No definition of "appropriate protocols and contracts" is given, but the focus of the bill is clearly on the practice of telemedicine.

SB 184: RIF and Other Punitive Actions

This law amends Chapter 2 of Title 20 of the O.C.G.A. to establish a professional learning task force to make recommendations to the SBOE and to provide requirements for RIF policies and sanctions.

The purpose of the task force is to review current SBOE rules and current research regarding professional learning in order to provide suggested revisions to the rules and implementation of professional learning. The law outlines a long list of members for the task force from the PSC, the DOE, local system professional learning coordinators, UGA representatives, private college representatives, RESA representatives, local superintendents, teachers, the GA Staff Development Council, and the National Staff Development Council. According to the wording of the law, their recommendations regarding revisions to the rules will have to be made no later than July 1, 2013. The recommendations will have to require that principals, school system leaders, and state leaders ensure that teachers have opportunities for professional learning that are consistent with major research findings and best practices and are aligned with the PSC recertification rules that require demonstration of the impact of the professional learning on educator and student performance. The SBOE will have to include the recommendations in revisions to SBOE policy/rules and will have to be adopted by June 30, 2015.

The law further prohibits LBOE's from adopting policies that allow length of service to be the primary or sole determining factor in RIF. *The primary factor has to be the performance of the educator**, one measure of which may be student achievement. The law will not apply if a system eliminates a total program. Failure to follow could result in withholding state funds.

*SB153 and SB184 are in conflict. One requires that RIF include documentation that the loss of position was through no fault of the educator, and the other requires that the primary factor in RIF decisions must be teacher performance. Stay tuned…

SB 227: Interstate Compact on Educational Opportunity for Military Children

This law amends Title 20 of the O.C.G.A. to adopt the "Interstate Compact on Educational Opportunity for Military Children." It adds Georgia to several states who agree on a list of policies for children of active duty military parents to ensure that they get as seamless an education as possible. It deals with education records/transcripts, immunizations, entrance ages for kindergarten and first grade, placement in grades, programs and courses.

It ensures compliance with federal laws for special needs and Section 504 students, and it allows additional excused absences surrounding the deployment of an active duty parent. It addresses guardianship for enrollment, prohibits tuition for students living out of their home districts with a guardian but returning to their home schools, and facilitates participation in extracurricular activities if application deadlines are missed. It addresses waivers for graduation requirements, exit exams being accepted across state lines, and transfers during senior year.

The law requires creation of a state council to assist parents in implementation of the compact and outlines the Interstate Commission and Georgia's participation in the commission. It allows for severability from the compact under certain conditions.

Note: Nothing in the requirements of the law is different from current Georgia law, policy, and practice that addresses transfer children, but it enables the state to participate in the Interstate Compact.

SB 246: PSERS Contribution and Benefit Amount Changes

This law amends Chapter 4 of Title 47 of the O.C.G.A. to raise the monthly contribution to PSERS for all new or returning employees from $4.00 per month to $10.00 per month. All retirees, as of July 1, 2012, and in the future, will receive $16.50 per month times the number of years service as a monthly benefit, up from $15.00 per month times the number of years' service. If the General Assembly cannot appropriate that sum, in no event would the retirement benefit be less than $14.75 (up from $12.00) per month times the number of years service.

SB 286: Transfers between ERS and TRS

This law amends Title 47 of the O.C.G.A. to provide a method of calculating accrued benefits for people who transfer from one plan to the other. It will make membership of tax commissioners, tax collectors, and tax receivers and all employees in their offices who first or again take office or become employed on or after July 1, 2010, optional. Participation must be supported by a resolution filed with ERS by the county commission. None of these officers or employees is eligible for membership if they are covered by any other public pension system other than social security. All current officers are grandfathered in for the length of their service.

All persons who transferred between systems between January1, 2009, through June 30, 2012, will have their accumulated benefit recalculated according to the new rules.

SB 289: Require Online Course

This law amends Chapter 2 of Title 20 of the O.C.G.A to maximize the number of students taking at least one course containing online learning, provides for online administration of all EOCT's by no later than the 2015-2016 school year, revises provisions relating to Georgia Virtual School, requires local systems to offer opportunities for part-time and full-time virtual instruction, provides a list of providers and requirements for them, requires a DOE report on digital learning methods, revises provisions relating to textbooks, and repeals a provision relating to electronic devices in schools.

The DOE will establish rules and regulations to maximize the number of participants, beginning with ninth graders in the 2014-2015 school year. The on-line instruction may originate with the GA Virtual School, or through online dual enrollment offered by a post-secondary institution, or through a provider approved according to existing law. Students enrolled in part-time or full-time virtual instruction will be included.

It adds a GA Virtual School course to those eligible to count in FTE calculations, thereby providing some funding to help pay for the course.

The law removes the requirement to give public school students priority in enrolling in GA Virtual School on-line courses, and students cannot be denied enrollment in a GA Virtual School course if the course is also offered in his/her resident school.

The DOE is authorized to establish a GA Virtual School grant account based on General Assembly allocations, but it is no longer tied to the amount of money that would have been earned if the student were in the same course in their resident high school. The funds will go to the operation and maintenance of the GA Virtual School.

The LEA's will have to pay costs for tuition, materials, and fees to the GA Virtual School, but the tuition cannot exceed $250 per student per semester course. [At 1/6th of the current base cost amount, each regular student in an on-line course generates approximately $400 for

a local system. It is unknown if the remaining $150 will cover the costs of administering the courses in a school.]

Beginning 2013-2014, all systems will have to provide opportunities for all students, grades 3-12 enrolled in GA public schools in their districts opportunities to participate in online courses. Systems will have to offer part-time and full-time online instruction and will have to notify parents of the opportunities with a written notice at least 90 days and not ending earlier than 30 days prior to the first day of the school year.

Each system's program is required to have at least 3 options (see below) for:

1. Full-time virtual instruction for students enrolled in 3-12; and
2. Part-time virtual instruction for student enrolled in 3-12.

Systems' programs have to provide at least 2 full-time and 1 part-time options for students enrolled in dropout prevention and academic intervention programs or DJJ programs.

The 3 options for providing such programs can be all or one of the following:

1. Georgia Virtual School;
2. Contracted delivery with an approved provider for a full-time or part-time program;
3. Agreements with another local system or systems with a process for the transfer of funds.

RESA's can provide multidistrict contractual agreements for member systems.

The DOE has to maintain a list of providers approved to offer virtual instruction if the provider can document that it:

1. Has prior successful experience in offering online courses and can quantify student performance in such courses.
2. Can provide a detailed curriculum and student performance accountability plan for every subject and grade level served, including:
    a. Courses that meet nationally recognized standards for K-12 online learning;
    b. Content and services that align with and measure student proficiency in the state-approved curriculum;
    c. Mechanisms that ensure students have met requirements for promotion or graduation with a standard diploma, as appropriate;
3. Publishes as part of its application and in all negotiated contracts:
    a. Information and data about each full-time and part-time program regarding its curriculum;
    b. School policies and procedures;
    c. Certification status and physical location of all administrative and instructional personnel;
    d. Student-teacher ratios;

e. Student completion and promotion rates; and
f. Student, educator, and school performance accountability outcomes.

Approved providers will retain their approval for five years after DOE approval, provided they abide by all requirements of the law. However, each provider approved for the 2013-2014 year will have to apply for approval for a part-time program for grades 3-12. Each contract with a provider will have to delineate a detailed curricular plan that illustrates how students will receive instruction and be measured for achievement in state curriculum requirements for each grade and subject.

The DOE has to send an annual comprehensive report to the Governor, President of the Senate, and Speaker of the House regarding their role in assisting LEA's to provide such programs at reasonable prices and/or through shared services, as well as other details regarding the encouragement of participation in such programs.

Assistive technology devices and digital versions of textbooks that are acquired may remain the property of the student, as long as no copyright laws are violated. Publishers recommended by the SBOE may now include digital versions of their textbooks.

It removes the state prohibition of students' use of any "personal electronic communication device during classroom instructional time."

SB 370: Controlled Substances

This law amends Chapter 13 of Title 16 to extend the list of "dangerous drugs" to include synthetic marijuana of several forms. It lists names and chemical contents of the drugs included.

SB 402: ERS: Definition of Terms Relating to Investments

This law amends Article 7 of Chapter 20 of Title 47 of the O.C.G.A. to change certain definitions regarding investments. It clearly states that TRS would not be affected. It would allow investments from ERS in a long list of private funds, including venture capital funds. It also allows for restrictions on the ratio of such investments and outlines which investments would be publicly available and those which would be withheld from public inspection and disclosure. Annual reports to the Governor, House and Senate regarding the performance of the investments with aggregate loss or profit would be required.

SB 403: School Health Nurses

This law amends Chapter 2 of Title 20 of the O.C.G.A. It moves the nursing program into the QBE formula, where distribution of funds will be based on FTE counts. It also provides grants for supplies and a state coordinator for the program, based on available funding.

Each system earns funding for 1 nurse for every 750 FTE's at the elementary school level and 1500 FTE's at the middle and high school levels. It establishes funding for 1 RN to 5 LPN's. The funding is based on a 180 day contract and will consist of only 50% of the average salary and benefits for a RN or LPN. The funding will be phased in so that in FY 2013 it will be 40% and in 2014 45%. LBOE's are not required to provide any matching funds for participation. If a system does not meet the minimum FTE counts listed above, they will receive "a base amount" of funding. There is a100% expenditure control for salaries and benefits of school nurses.

The law authorizes the DOE to provide grants for supplies, distributed on a FTE basis, according to the regulations they would establish. Using funds from the nursing program, the DOE will add a Nursing Program Coordinator, responsible for:

- Assisting in local nursing programs and in developing guidelines for utilizing volunteers and retirees to supplement the program;
- Standardizing reporting of health information from LEA's;
- Assisting in identifying and obtaining additional funding sources (Medicaid, etc.); and
- Other duties to support the program.

SB 404: Category-Level Expenditure Controls for Staff Development

This law amends Article 6 of Chapter 2 of Title 20 of the O.C.G.A. It provides category-level expenditure controls for staff development and includes school administrators in professional development funding. It calls for the SBOE, in consultation with the PSC, to establish category-levels of expenditure controls for staff development funds by July 1, 2015. They would have to reflect the revised certification renewal rules established by the PSC regarding the impact of professional learning on student achievement.

Beginning in FY 2014, school level administration would be included for funding in the same manner as for other certified personnel. Beginning in FY 2015, the percentage would drop to 0.9% of an average beginning teacher state salary for each teacher and school administrator reported on the system CPI report, all subject to appropriations by the General Assembly.

If appropriations allow, the SBOE would be required to provide professional development centered on state-wide strategic initiatives, which may include common core curriculum, support for under-performing educators, and mentoring programs in specific subject areas. During FY 2014, the SBOE program will be supported by 0.15% of certificated salaries, including school administrators; then in FY 2015, the percent will rise to 0.25%.

SB 405: Exemption from Breach of Confidentiality

This law amends Part 2 of Chapter 14 of Title 20 of the O.C.G.A. relating to the Office of Student Achievement. It removes liability from private colleges and universities when they share student records with the Office of Student Achievement, except when state or federal laws, including FERPA, are in question.

SB 410: Annual School Indicators

This law amends Part 3 of Article 2 of Chapter 14 of Title 20 of the O.C.G.A. to create an annual accountability assessment for schools and systems including a numerical score based on student achievement, gap closure, and student progress. It adds the DOE to the OSA for the responsibility of an annual review with indicators based on data regarding quality learning, financial efficiency, and school climate for individual schools and school systems. The indicators will be disaggregated by all subgroups as identified by ESEA, as amended.

It removes all previous criteria from the law for the OSA annual report card. The new measures of performances on the 3 areas will be compared to state standards and comparable performance as established by OSA in cooperation with the DOE and will have to appear on the report card.

Possible criteria for financial efficiency might include how federal and state funds spent by systems impact student achievement and school improvement, to include actual achievement, resource efficiency, and student participation in standardized testing. School climate might include data from student health surveys, data on environmental and behavior indicators, data on student behavioral and school-based reactions, and teacher and parent surveys. These 2 areas, financial efficiency and school climate, will be assigned 1-5 stars on the report card. Five-star schools are ranked excellent; 4-star schools are above average; 3-star schools are average; 2-star schools are ranked below satisfactory; and 1-star schools are ranked unsatisfactory.

The OSA and DOE will be responsible for calculating school and system 1-100 ratings, as well, based on the indicators of quality of learning for student achievement, achievement gap closure, and student progress, with the majority based on student achievement. Data will be gathered from the DOE's educational information system and shared with the OSA. School completion data will be included in the performance indicators of quality of learning for each school and system.

Each system and school will receive an annual report card. In addition to the star rating and the 0-100 rating, the report card will have to contain a financial efficiency rating, a school climate rating, disaggregated by student groups. It must also include an explanation of the criteria used for those ratings. The OSA must also publish and distribute on its web site and on the Doe web site a state-wide report card based on the same criteria. The law no longer

requires financial rewards for performance, but it will allow them, should funding ever come available.

The law adds achievement gap closure, student progress, or any combination of criteria to the qualifications by which a system or school could receive SDOE support, along with overall student achievement.

SB 428: Report on Federal Mandates that Require Rules and Regulations

Each agency—neither state nor local is specified, but the DOE is the logical assumption—will have to submit an annual report to the Governor, Secretary of State, President of the Senate, Speaker of the House, Secretary of the Senate, Clerk of the House of Representatives and legislative counsel. The contents of the report must include federal mandates that require rules and regulations (rather than laws) and must point out any duplications in state and federal mandates.