

House Bill 591

By: Representatives Williams of the 83rd and Brown of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to restore state funding for the high school
3 nonvocational laboratory program and to provide a weight and teacher-student ratio for such
4 program; to limit the maximum number of full time equivalent students eligible for funding
5 in such program; to delete a provision for returning certain direct instructional funds to the
6 state treasury; to change provisions relating to maximum class sizes; to change provisions
7 relating to base school size to include the high school nonvocational laboratory program; to
8 provide that program weights for such program shall reflect sufficient funds for salaries for
9 laboratory supervisors; to change provisions relating to schedules for middle school; to
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended by striking in its entirety Code Section 20-2-151, relating
15 to authorized programs for general and career education programs, and inserting in lieu
16 thereof the following:

17 "20-2-151.

18 (a) The primary purpose for the general and career education programs is to provide the
19 children and youth of Georgia with a quality opportunity to master student competencies
20 adopted by the State Board of Education through instruction which is based upon the
21 uniformly sequenced core curriculum.

22 (b) The following general and career education programs are authorized for purposes of
23 funding under this article:

24 (1)(A) All local school systems shall offer a full-day kindergarten program. For purposes
25 of this subsection, the term 'full-day basis' means a student is provided classroom

1 instruction for a minimum of four and one-half hours daily for a 180 day school year;
2 and.

3 (B) It is the policy of this state that the purposes of the kindergarten program shall be to
4 provide all children with an equal opportunity to become prepared for a successful first
5 grade experience and to acquire the foundation for academic progress throughout the
6 students' educational careers. To be eligible for enrollment in a state supported
7 kindergarten program, a child must attain the age of five by September 1, except as
8 otherwise provided by subsection (b) of Code Section 20-2-150.;

9 (2) It is the policy of this state that the purpose of the primary grades program shall be
10 mastery by enrolled students of the essential basic skills and knowledge which will
11 enable them to achieve more advanced skills and knowledge offered at the higher grade
12 levels. For purposes of funding under this article, the primary grades program shall
13 include grades one, two, and three. To be eligible for enrollment in the first grade of a
14 state supported primary grades program, a child must attain the age of six by September
15 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
16 Board of Education shall adopt an instrument or instruments, procedures, and policies
17 necessary to assess the first grade readiness of children enrolled in Georgia's public
18 school kindergarten programs pursuant to Code Section 20-2-281. Readiness information
19 obtained by the instrument or instruments adopted by the state board shall be used by
20 local school systems in concert with teacher recommendations and other relevant
21 information to make appropriate student grade placement decisions. The Department of
22 Education shall develop guidelines for utilization of the instrument or instruments in
23 grade placement decisions and shall provide such guidelines to local school systems. The
24 guidelines shall include information pertinent to consideration of the placement of
25 students who have been identified as being disabled or limited-English-proficient.
26 Whenever the decision is made not to promote a child to the first grade, the local school
27 system shall document the reasons for the decision not to promote, according to
28 guidelines established by the board. The State School Superintendent shall annually
29 provide a report summarizing the results of the readiness of first grade Georgia public
30 school kindergarten children. No student shall remain in kindergarten for more than two
31 years.

32 (3) It is the policy of this state that the primary purposes of the middle grades program
33 shall be assuring the mastery of essential basic skills and knowledge, assisting students
34 in the transition from childhood to adolescence, and preparing students for the selection
35 of programs and courses consistent with their abilities and interests when they enter high
36 school, as well as providing an opportunity for mastery of essential but more advanced

1 skills and knowledge. For purposes of funding under this article, the middle grades
2 program shall include grades four, five, six, seven, and eight.

3 (4)(A) It is the policy of this state that the primary purposes of the high school
4 programs shall be to prepare students for the continuation of their education beyond
5 high school and for entry into their chosen career fields as well as to prepare them to
6 take their places in society as young adults. The following high school programs for
7 grades nine, ten, 11, and 12 are authorized for purposes of funding under this article:

8 (i) The high school education program; ~~and~~

9 (ii) The nonvocational high school laboratory program; and

10 ~~(ii)~~(iii) The vocational laboratory program.

11 (B) As a reflection of the reduced teacher-student ratios and more extensive material
12 and equipment needed for effective laboratory courses compared to courses with no or
13 only limited laboratory experiences, the vocational laboratory program and the
14 nonvocational high school laboratory program shall be funded at a ~~higher level~~ higher
15 levels than the high school general education program. The state board shall adopt
16 criteria which courses must meet in order to qualify for the vocational laboratory
17 program or the nonvocational high school laboratory program."

18 SECTION 2.

19 Said chapter is further amended by inserting a new subsection at the end of Code Section
20 20-2-160, relating to determination of enrollment by institutional program and determination
21 of funds, to be designated subsection (g) to read as follows:

22 "(g) The maximum number of full-time equivalent students eligible for funding in any
23 school system for the high school nonvocational laboratory program shall be equal to no
24 more than 30 percent of the sum of those students counted in the programs specified in
25 paragraphs (8), (8.1), and (9) of subsection (b) of Code Section 21-2-161. Full-time
26 equivalent students in excess of this 30 percent number shall be counted in the high school
27 general education program."

28 SECTION 3.

29 Said chapter is further amended by striking in its entirety Code Section 20-2-161, relating
30 to the Quality Basic Education Formula, and inserting in lieu thereof the following:

31 "20-2-161.

32 (a) The high school general education program is declared to be the base program against
33 which the cost of all other instructional programs shall be compared. The amount of funds
34 needed by each full-time equivalent student in the base program, in order that such program
35 can be sufficiently funded to provide quality basic education to all enrolled students, shall

1 be known as the 'base amount' and shall reflect program components which constitute the
 2 program weight for the high school general education program in Code Sections 20-2-182
 3 through 20-2-186. However, the General Assembly shall annually establish through the
 4 General Appropriations Act the base amount to be used each year. In the event that the
 5 base amount so established when multiplied by the program weights in subsection (b) of
 6 this Code section requires funds in excess of the appropriation for the Quality Basic
 7 Education Formula grants, the funds which are appropriated for the Quality Basic
 8 Education Formula shall be prorated to each of the Quality Basic Education Formula cost
 9 categories.

10 (b) As the cost of instructional programs varies depending upon the teacher-student ratios
 11 and specific services typically required to address the special needs of students enrolled,
 12 state authorized instructional programs shall have the following program weights and
 13 teacher-student ratios:

- | | | |
|----|---|------------|
| 14 | (1) Kindergarten program | 1.3405 |
| 15 | | weight and |
| 16 | | 1 to 15 |
| 17 | | ratio |
| 18 | (2) Kindergarten early intervention program | 1.7082 |
| 19 | | weight and |
| 20 | | 1 to 11 |
| 21 | | ratio |
| 22 | (3) Primary grades program (1-3) | 1.2689 |
| 23 | | weight and |
| 24 | | 1 to 17 |
| 25 | | ratio |
| 26 | (4) Primary grades early intervention program (1-3) | 1.7556 |
| 27 | | weight and |
| 28 | | 1 to 11 |
| 29 | | ratio |
| 30 | (5) Upper elementary grades program (4-5) | 1.0289 |
| 31 | | weight and |
| 32 | | 1 to 23 |
| 33 | | ratio |

1	(6) Middle grades program (6-8)	1.0218
2		weight and
3		1 to 23
4		ratio
5	(7) Middle school program (6-8) as defined in Code Section 20-2-290 ...	1.1196
6		weight and
7		1 to 20
8		ratio
9	(8) High school general education program (9-12)	1.0000
		weight and
		1 to 23
		ratio
10	<u>(8.1) High school nonvocational laboratory program (9-12)</u>	<u>1.1604</u>
		<u>weight and</u>
		<u>1 to 20</u>
		<u>ratio</u>
11	(9) Vocational laboratory program (9-12)	1.2052
12		weight and
13		1 to 20
14		ratio
15	(10) Program for persons with disabilities:	
16	Category I	2.3272
17		weight and
18		1 to 8
19		ratio
20	(11) Program for persons with disabilities:	
21	Category II	2.7111
22		weight and
23		1 to 6.5
24		ratio
25	(12) Program for persons with disabilities:	
26	Category III	3.4485
27		weight and
28		1 to 5
29		ratio

1	(13) Program for persons with disabilities:	
2	Category IV	5.5742
3		weight and
4		1 to 3
5		ratio
6	(14)(15) Program for persons with disabilities:	
7	Category V	2.4136
8		weight and
9		1 to 8
10		ratio
11	(15) Program for intellectually gifted students:	
12	Category VI	1.6255
13		weight and
14		1 to 12
15		ratio
16	(16) Remedial education program	1.2864
17		weight and
18		1 to 15
19		ratio
20	(17) Alternative education program	1.5613
21		weight and
22		1 to 15
23		ratio
24	(18) English for speakers of other languages (ESOL) program	2.4317
25		weight and
26		1 to 7
27		ratio"

28 (c) For purposes of calculating the annual allotment of funds to each local school system,
 29 the program weights may be carried to as many additional decimal places as needed and
 30 may be varied from the weights stated in subsection (b) of this Code section, consistent
 31 with cost-of-living adjustments granted by the General Assembly for salaried and
 32 nonsalaried components, by not more than 1 1/2 percent.

33 (d) The total funds needed for the Quality Basic Education Program for each local school
 34 system shall be calculated annually. Such total shall represent the product of the following
 35 calculations for each of the programs identified in subsection (b) of this Code section:

1 (1) Multiply the average full-time equivalent program count pursuant to subsection (b)
 2 of Code Section 20-2-160 by the respective program weight established in subsection (b)
 3 of this Code section;

4 (2) Multiply the product computed in paragraph (1) of this subsection by the base amount
 5 as established in the General Appropriations Act; and

6 (3) Add the product computed in paragraph (2) of this subsection to the program
 7 adjustment amount for training and experience for the instructional program in
 8 accordance with subsection (e) of this Code section.

9 The process and associated components contained within this Code section shall be
 10 known as the 'Quality Basic Education Formula.'

11 (e) The State Board of Education shall annually calculate for each instructional program
 12 provided for in subsection (b) of this Code section for each local school system the amount
 13 of additional funds needed beyond the amounts reflected in the base amount and the
 14 program weights, in order to pay the state minimum salaries pursuant to Code Section
 15 20-2-212. The calculation of such additional amount shall be based on all certificated
 16 professional personnel who were employed by the local school system as of the month of
 17 October for the most recent year that these data are available; provided, however, that the
 18 amount needed for training and experience for personnel funded through categorical grants
 19 shall only be included in the appropriate categorical grant. The amount shall be reported
 20 for each program identified in subsection (b) of this Code section for each full-time
 21 equivalent program count date and by segment of the school day and for each categorical
 22 program. Such additional amount shall be known as 'program adjustment amount for
 23 training and experience' and this amount shall be noted in total in the language section of
 24 the General Appropriations Act each year.

25 (f) As the relative costs of the various program components will change over time and as
 26 some components will need to be added or removed, the Governor shall appoint a task
 27 force every three years for the purposes of reviewing the effectiveness of existing program
 28 weights and recommending to the General Assembly any changes needed. This task force
 29 shall be comprised of members or staff of the General Assembly, the State Board of
 30 Education, the Governor's office, and representatives of local school systems."

31 **SECTION 4.**

32 Said chapter is further amended by striking in its entirety Code Section 20-2-167, relating
 33 to funding for direct instructional, media center, and staff development costs; budget and
 34 accounting system; and submission of local budget to the state board, and inserting in lieu
 35 thereof the following:

36 "20-2-167.

1 (a)(1) The State Board of Education shall annually compute, based upon the initial
2 allotment of funds to each local school system, the total funds needed for direct
3 instructional costs for each program identified in Code Section 20-2-161, specifying the
4 number of positions earned and salaries and operational costs portions. 'Direct
5 instructional costs' is defined as those components of the program weights which are
6 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total
7 funds needed for direct instructional costs for each program, the state board shall apply
8 the percentage that these costs represent of the total costs used in developing the program
9 weights. The direct instructional costs for the five instructional programs for disabled
10 students shall be summed into one amount for special education. Following the midterm
11 adjustment, the state board shall issue allotment sheets for each local school system and
12 each school reflecting the total amount of earnings, initial earnings, and midterm
13 adjustment, if any, for each program authorized by Code Section 20-2-161. For each
14 such program, each local school system shall spend a minimum of 90 percent of funds
15 designated for direct instructional costs on the direct instructional costs of such program
16 at the school site in which the funds were earned, except that funds earned for special
17 education programs shall be summed for the purposes of this expenditure control. Only
18 the state salary amounts resulting from the amount earned on the state-wide salary
19 schedule as approved by the State Board of Education pursuant to Code Section 20-2-212
20 plus associated benefits funded by the state and the salaries and any ~~state-earned~~ state
21 earned benefits or comparable ~~state-earned~~ state earned benefits of technology specialists
22 and classroom aides may be applied to the salary cost components for the purpose of
23 meeting this expenditure control. Except as otherwise provided by law or rule and
24 regulation of the state board, local school systems may decide whether direct instructional
25 funds shall be used for teacher salaries, aide salaries, instructional material or equipment,
26 or any other appropriate direct instructional expense; provided, however, that 100 percent
27 of funds earned for direct instructional salaries shall be expended for salaries of direct
28 instructional personnel and classroom aides. The total number of positions earned for
29 direct instruction as specified in Code Section 20-2-182, adjusted for maximum class
30 size, shall be employed for the delivery of services for which the funds were earned. This
31 position control shall be for the kindergarten program, the kindergarten early intervention
32 program, the primary grades program, and the primary grades early intervention program
33 combined and the combined total for all other programs; provided, however, that
34 positions earned for art, music, and physical education, technology specialists, and
35 counselors shall be totaled for all programs. Fractional amounts may be combined and
36 used for any direct instructional position. Funds earned for any fractional amounts may
37 be used for any direct instructional expense. ~~Quality Basic Education Formula funds in~~

1 ~~excess of the amount required by this paragraph to be expended by a local school system~~
2 ~~for the direct instructional costs of an instructional program specified by Code Section~~
3 ~~20-2-161 which are not expended for direct instructional costs must be returned to the~~
4 ~~state treasury.~~

5 (2) The state board shall annually compute, based upon the initial allotment of funds to
6 each local school system, the total funds needed system wide for media center costs,
7 specifying the salaries and materials cost portions. In computing the total funds needed
8 for media center costs, the state board shall apply the percentage that these costs represent
9 of the total costs used in developing program weights. Following the midterm
10 adjustment, the state board shall issue allotment sheets for each local school system and
11 each school reflecting the total amount of earnings, initial earnings, and midterm
12 adjustment, if any, for each program authorized by Code Section 20-2-161. Each local
13 school system shall spend 100 percent of the funds designated for media center costs for
14 such costs, and a minimum of 90 percent of such funds shall be spent at the school site
15 in which such funds were earned.

16 (3) The state board shall annually compute, based upon the initial allotment of funds to
17 each local school system, the total funds needed system wide for staff development costs.
18 In computing the total funds needed for these categories, the state board shall apply the
19 percentage that these costs represent of the total costs used in developing the program
20 weights. Following the midterm adjustment, the state board shall issue allotment sheets
21 for each local school system and each school reflecting the total amount, initial earnings,
22 and midterm adjustment, if any, of earnings for each program specified in subsection (b)
23 of Code Section 20-2-161. Each local school system shall spend 100 percent of the funds
24 designated for staff and professional development costs, as allowed by State Board of
25 Education policy, for such costs. For each local school system which is granted an
26 additional allotment for the midterm adjustment pursuant to Code Section 20-2-162, these
27 amounts shall be increased by the portion of the midterm adjustment allotment which is
28 applied to staff development. In the event a local school system does not actually enroll
29 the full-time equivalent count that was anticipated by its initial allocation and it elects to
30 return a portion of its allocation for staff development and professional development costs
31 to the state, the 100 percent amount for staff development shall be reduced by that
32 returned amount. Quality Basic Education Formula funds in excess of the amount
33 required by this paragraph to be expended by a local school system for staff development
34 and professional development of certificated and instructional personnel which are not
35 expended for this purpose may be expended only for staff development of noncertificated
36 personnel employed by the local school system and the members of the local school
37 board, for meeting certification requirements of personnel, and for administration and

1 operation of the staff development and professional development programs authorized
2 pursuant to subsection (h) of Code Section 20-2-182.

3 (4) All funds earned pursuant to this article may be expended only for the operation of
4 educational programs and services explicitly authorized under this article.

5 (5) The budget of each local school system shall reflect all anticipated revenues from
6 each source. The budget of each local school system shall designate all of such
7 anticipated revenues among the several funds or accounts of the system and shall not
8 leave any anticipated revenues undesignated. Except as otherwise provided in this
9 paragraph, all amounts allocated to each fund or account and any existing balance in each
10 fund or account shall be intended for expenditure within the budget year for the purposes
11 of that fund or account. There shall be no fund or account in the nature of a 'surplus' or
12 'unobligated surplus' fund or account. Each local school system may, however, establish
13 a single reserve fund or reserve account intended to cover unanticipated deficiencies in
14 revenue or unanticipated expenditures, provided that the budget for any year shall not
15 allocate to such reserve fund or reserve account any amounts which, when combined with
16 the existing balance in such fund or account, exceed 15 percent of that year's total
17 budget. A local school system may also establish one or more capital accumulation funds
18 or accounts, and amounts may be allocated to such capital accumulation funds or
19 accounts for expenditure in future budget years only if the purpose for which such
20 amounts will be expended and the anticipated date of expenditure of such amounts are
21 clearly and specifically identified. The purpose of this paragraph is to prohibit local
22 school systems from accumulating surplus funds through taxation without accounting to
23 the taxpayers for how such funds will be expended, and this paragraph shall be liberally
24 construed to accomplish this purpose.

25 (b)(1) The State Board of Education shall establish a computerized uniform budget and
26 accounting system as a component of the state-wide comprehensive educational
27 information system established pursuant to Code Section 20-2-320 and shall establish
28 uniform regulations to be implemented by local units of administration. The
29 computerized uniform budget and accounting system shall conform to generally accepted
30 governmental accounting principles which shall include, but not be limited to, the
31 following costing information:

32 (A) Instructional program involved;

33 (B) Whether basic education or enrichment in purpose;

34 (C) Fund source or sources; and

35 (D) Major program components such as instructional personnel, instructional
36 operations, facility maintenance and operation, media center operation, school
37 administration, system administration, staff development, or professional development.

1 (2) The state board shall prescribe information that must be submitted to the state board
 2 and the time it must be submitted. In determining the information needed and the time
 3 for submission, the state board shall take into consideration the information and times
 4 identified by the Office of Education Accountability as necessary to the implementation
 5 of the accountability program provided for in Part 3 of Article 2 of Chapter 14 of this
 6 title. The state board is authorized to establish a financial review section for the limited
 7 purpose of reviewing financial records and accounting of local governing boards and
 8 assisting local units of administration in training personnel in financial and budgetary
 9 accounting.

10 (c) The State Board of Education is authorized to prescribe a date by which each local unit
 11 of administration must submit a budget to the state board. The regulations developed by
 12 the state board must make adequate provision for local review and modification prior to
 13 local approval and submittal to the State School Superintendent. The State School
 14 Superintendent shall provide for the examination and preparation of a written report on the
 15 budget of each local unit and submit a copy to the state board and to the respective local
 16 unit of administration. The state board shall either accept or reject the budget of a local
 17 unit.

18 (d) The standards set forth in this article shall be construed as setting out a basic plan for
 19 the direction of the State Board of Education in planning a program and presenting
 20 proposals to the Governor and to the General Assembly. Nothing in this article shall be
 21 construed as amending or modifying in any way Part 1 of Article 4 of Chapter 12 of Title
 22 45, known as the 'Budget Act.' The state board shall, in all of its programs involving
 23 allocation or expenditure of funds, be governed and controlled by Part 1 of Article 4 of
 24 Chapter 12 of Title 45 and all other laws of general application pertaining to the handling
 25 and expenditure of state funds, none of which are amended, modified, or repealed by this
 26 article unless specifically so provided in this article."

27 **SECTION 5.**

28 Said chapter is further amended by striking in its entirety Code Section 20-2-181, relating
 29 to calculation of program weights to reflect base school size, and inserting in lieu thereof the
 30 following:

31 "20-2-181.

32 The calculation of all program weights shall reflect a base size local school system of 3,300
 33 full-time equivalent students. The calculation of program weights for the kindergarten
 34 program, the kindergarten early intervention program, the primary grades (1-3) intervention
 35 program, the primary grades (1-3) program, and the upper elementary grades (4-5) program
 36 shall reflect a base school size of 450 full-time equivalent students. The calculation of

1 program weights for the middle grades (6-8) program, the middle school (6-8) program,
 2 the special education programs, the remedial education program, and the English for
 3 speakers of other languages program shall reflect a base school size of 624 full-time
 4 equivalent students. The calculation of the program weights for the high school general
 5 education program, the high school nonvocational laboratory program, and the high school
 6 vocational laboratory program shall reflect a base school size of 970 full-time equivalent
 7 students. The calculation of program weights for the alternative education program shall
 8 reflect a base school size of 100 full-time equivalent students, except that the calculations
 9 for secretaries and media personnel shall reflect a base school size of 624 full-time
 10 equivalent students."

11 SECTION 6.

12 Said chapter is further amended by striking in its entirety Code Section 20-2-182, relating
 13 to program weights as reflecting funds for payment of salaries and benefits, and inserting in
 14 lieu thereof the following:

15 "20-2-182.

16 (a) The program weights, when multiplied by the base amount, shall reflect sufficient
 17 funds to pay at least the beginning salaries of all teachers needed to provide essential
 18 classroom instruction in order to ensure a Quality Basic Education Program for all enrolled
 19 students, subject to appropriation by the General Assembly.

20 (b) The program weights for the primary, primary early intervention, upper elementary,
 21 middle grades, and middle school programs, when multiplied by the base amount, shall
 22 reflect sufficient funds to pay at least the beginning salaries of specialists qualified to teach
 23 art, music, and physical education, subject to appropriation by the General Assembly.

24 (c) The program weights for the kindergarten, kindergarten early intervention, primary,
 25 primary early intervention, upper elementary, middle grades, middle school, and alternative
 26 education programs and the program weights for the high school programs authorized
 27 pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by
 28 the base amount, shall reflect sufficient funds to pay the beginning salaries for guidance
 29 counselors needed to provide essential guidance services to students and whose duties and
 30 responsibilities shall be established by the state board to require a minimum of five of the
 31 six full-time equivalent program count segments of the counselor's time to be spent
 32 counseling or advising students or parents.

33 (d) All program weights, when multiplied by the base amount, shall reflect sufficient funds
 34 to pay the beginning salaries for technology specialists needed to provide essential
 35 technology services.

1 (e) The program weights for the high school programs authorized pursuant to paragraph
2 (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall
3 reflect sufficient funds to provide teachers with a preparation period free of assigned
4 students.

5 (f) The program weights for the high school nonvocational laboratory program and the
6 vocational laboratory program, when multiplied by the base amount, shall reflect sufficient
7 funds to pay the beginning salaries of laboratory supervisors in such program programs.

8 (f.1) The program weights for the kindergarten, kindergarten early intervention, primary,
9 primary early intervention, upper elementary, middle grades, middle school, remedial, and
10 alternative education programs and the program weights for the high school programs
11 authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when
12 multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries
13 for instructors needed to provide 20 additional days of instruction for 10 percent of the
14 full-time equivalent count of the respective program. Such funds shall be used for
15 addressing the academic needs of low-performing students with programs such as, but not
16 limited to, instructional opportunities for students beyond the regular school day, Saturday
17 classes, intersession classes, and summer school classes.

18 (g) All program weights, when multiplied by the base amount, shall reflect sufficient funds
19 to pay the cost of sick and personal leave for teachers, the employer's portion of costs for
20 membership in the Teachers Retirement System of Georgia and health insurance programs
21 authorized by law, the cost of essential instructional materials and equipment needed to
22 operate effectively such instructional programs, and the cost of travel required of personnel
23 in order to deliver educational services to enrolled students, subject to appropriation by the
24 General Assembly.

25 (h) All program weights, when multiplied by the base amount, shall reflect, whenever they
26 are revised pursuant to subsection (f) of Code Section 20-2-161, an amount of funds for the
27 purpose of providing staff and professional development to certificated and classified
28 personnel and local school board members which shall be at least equivalent to 1.5 percent
29 of salaries of all certificated professional personnel used in the development of each
30 respective program weight, subject to appropriation by the General Assembly. Funds used
31 for professional or staff development purposes may be used throughout the fiscal year,
32 including days when students are not present at school, to meet professional or staff
33 development needs in the order of priority determined by the local board of education
34 within the comprehensive professional and staff development program plan approved by
35 the State Board of Education pursuant to Code Section 20-2-232. Such professional and
36 staff development program plan shall address deficiencies of certificated personnel as
37 identified by evaluations required under Code Section 20-2-210. Where possible,

1 professional and staff development funds shall be used for activities that enhance the skills
2 of certificated personnel and directly relate to student achievement. Subsequent certificated
3 personnel evaluations shall include an assessment of an employee's professional and staff
4 development activities and their effect on identified deficiencies and student achievement.
5 Funds for professional development purposes may be used for activities occurring at any
6 time during the fiscal year outside of an employee's normal contract hours.

7 (i) The State Board of Education shall adopt for each instructional program authorized
8 pursuant to Part 3 of this article and the middle school program provided for in Code
9 Section 20-2-290 the maximum number of students which may be taught by a teacher in
10 an instructional period. Such maximum class sizes shall be equal to or greater than the
11 teacher-student ratios used in the calculation of the program weights as set forth in
12 subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by
13 more than ~~20~~ 30 percent, unless specifically authorized by the State Board of Education;
14 provided, however, that in no case shall the ~~20~~ 30 percent maximum be exceeded for
15 mathematics, science, social studies, or English classes; provided, further, that the
16 maximum class size for grades one through three shall not exceed ~~20~~ 30 percent over the
17 funding ratio except for art, music, or physical education classes; provided, further, that the
18 maximum class size for special education, gifted, and English for speakers of other
19 languages classes shall be set by the State Board of Education. ~~For a period not to exceed~~
20 ~~four years, beginning with the 2000-2001 school year, local school systems shall be~~
21 ~~allowed to exceed the maximum class sizes set forth in this subsection in a manner~~
22 ~~consistent with State Board of Education rules. The State Board of Education shall lower~~
23 ~~the current maximum class sizes set by state board rules in effect for the 1999-2000 school~~
24 ~~year, beginning with the 2000-2001 school year, by a proportional amount each school year~~
25 ~~so that, beginning with the 2003-2004 school year, State Board of Education rules are in~~
26 ~~compliance with this subsection.~~ An aide may be used to increase the maximum class size
27 in kindergarten from 18 to 20 and may be used in all other programs to increase class size
28 as allowed by State Board of Education rule, except that an aide shall not be used to
29 increase the maximum class size in grades one through three. The maximum class size for
30 the kindergarten and primary grades programs is defined as the number of students in a
31 physical classroom. Maximum class sizes that result in a fractional full-time equivalent
32 shall be rounded up to the nearest whole number as needed. The middle school program
33 shall use the teacher-student ratio of the middle grades program for the purpose of this
34 subsection. The number of students taught by a teacher at any time after the first 15 school
35 days of a school year may not exceed the maximum such number unless authorization for
36 a specific larger number is requested of the state board, along with the educational
37 justification for granting the requested exemption, and the state board has approved said

1 request. The state board shall not reduce class sizes without the authorization of the
 2 General Assembly, if this reduction necessitates added costs for facilities, personnel, and
 3 other program needs. Local boards of education may reduce class sizes, build additional
 4 facilities, and provide other resources at local cost if such actions are in the best interest of
 5 the local school systems' programs as determined by the local boards of education."

6 **SECTION 7.**

7 Said chapter is further amended by striking Code Section 20-2-290, relating to organization
 8 of schools, and inserting in lieu thereof the following:

9 "20-2-290.

10 (a) The board of education of any local school system is authorized to organize or
 11 reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction.
 12 Local school systems which have organized their schools in such a manner that facilities
 13 house grades six, seven, and eight or grades seven and eight shall qualify for the middle
 14 school program for students in grade levels so housed. A school which houses grades other
 15 than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven
 16 and eight or six, seven, and eight and another full-time principal for grades above or below
 17 the middle school grades; provided, however, that such schools also meet all other
 18 provisions of this Code section. Schools with students in the sixth grade shall not be
 19 eligible for the middle school program if the sixth grades are not housed in middle schools
 20 which also contain both grades seven and eight. Further, two or more adjacent local school
 21 systems shall qualify for the middle school program if through their contractual
 22 arrangement they jointly meet the requirements of this Code section and the criteria and
 23 standards prescribed by the state board.

24 (b) Beginning with the 2001-2002 school year, local boards of education shall schedule
 25 each middle school so as to provide, subject to other provisions of this subsection and at
 26 the option of the local school board, either:

27 (1) A minimum a minimum of five four and one-half hours of instruction in language
 28 arts, mathematics, science, social studies, and such other academic subjects as the State
 29 Board of Education shall prescribe; and an interdisciplinary team of academic teachers
 30 with common planning time of between 55 minutes and 85 minutes; or

31 (2) A longer school day, to include a minimum of five hours of instruction in language
 32 arts, mathematics, science, social studies, and such other academic subjects as the State
 33 Board of Education shall prescribe; and an interdisciplinary team of academic teachers
 34 with common planning time of 85 minutes. ~~Funds earned above the funding class size~~
 35 ~~for the middle school program may be used by the local board of education to fund~~

1 ~~additional planning time above 55 minutes, provided that, for the 2000-2001 school year,~~
2 ~~such funds earned above the funding class size for the middle school program shall be~~
3 ~~expended in conjunction with state appropriation for such planning time to provide for~~
4 ~~not less than 85 minutes of planning time.~~ Without limiting the choices, the local board
5 shall have the authority to schedule exploratory and physical education classes for the
6 remainder of the school day. For students not performing on grade level, as defined by
7 the Office of Education Accountability, the additional time shall be designated for
8 academic instruction to bring such students to grade level performance. For students
9 performing at or above grade level, such additional time may be used to further advance
10 the student or to instruct in other academic subjects such as foreign language. A student
11 who is performing at or above grade level shall be allowed to take additional academic
12 classes instead of exploratory classes if the parent or guardian of such a student requests
13 such assignment, subject to available space. Until implementation of accountability
14 standards by the Office of Education Accountability, for any middle school with a
15 combined total of 65 50 percent scoring good or very good in the previous school year
16 on the first administration of the state eighth grade writing assessment and at the
17 ~~sixty-fifth~~ fiftieth percentile or above on the Iowa Test of Basic Skills eighth grade
18 composite score, the local board is authorized to allow for a school day of a minimum of
19 four and one-half hours of academic instruction. After the implementation of the
20 accountability standards by the Office of Education Accountability, for any middle school
21 scoring an A or B on the absolute student achievement standard, the local board is
22 authorized to allow for a school day of a minimum of four and one-half hours of
23 academic instruction. Local school systems shall comply with this subsection in order
24 to qualify for the middle grades program.

25 (c) If a local school system has a combination of qualified and nonqualified schools, it
26 shall qualify for the middle school program only for those students counted in the full-time
27 equivalent count for the middle school program in qualified middle schools."

28 **SECTION 8.**

29 All laws and parts of laws in conflict with this Act are repealed.