

## House Bill 656

By: Representatives Smith of the 175<sup>th</sup>, Turnquest of the 73<sup>rd</sup>, Dukes of the 161<sup>st</sup>, Jamieson of the 22<sup>nd</sup>, Porter of the 143<sup>rd</sup> and others

## 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 create early intervention programs for  
3 kindergarten, primary grades, and upper elementary grades, in place of the special  
4 instructional assistance program to assist students with certain identified developmental  
5 deficiencies; to provide for eligibility for such programs and such programs' purpose, rules  
6 and regulations, inclusion in accountability standards, delivery models, and funding; to  
7 provide for reporting of students served in such programs; to exclude students in grades four  
8 and five from the remedial education program; to clarify and revise the calculation of funding  
9 for alternative education programs; to change program weights for funding purposes; to  
10 provide for using the most recent full-time equivalent program count for certain new  
11 programs for calculating allotments; to provide for calculating and using funds for 20 days  
12 of additional instruction for 10 percent of the full-time equivalent count of students; to  
13 provide for instructional aides for kindergarten and kindergarten early intervention; to  
14 provide that such aides shall not be used to increase the maximum class size in kindergarten;  
15 to delete funds for more than one principal for combination schools; to authorize state  
16 payment of a portion of the national certification program participation fee prior to  
17 certification for certain teachers; to provide for repayment to the state of such state payment  
18 in certain circumstances; to delete a requirement for paying the state supplement to principals  
19 in a single separate payment; to change provisions relating to capital outlay funds; to provide  
20 for the use of state capital outlay funds for construction projects that serve cooperative efforts  
21 between local school systems and postsecondary institutions; to change the method of  
22 calculating the required local participation and provide an incentive for school systems to use  
23 prototypical designs and have projects managed under the direction of the Georgia State  
24 Financing and Investment Commission; to increase the maximum amount of annual  
25 authorization by the State Board of Education; to change provisions relating to annual debt  
26 service and local funds contributed in excess of required local participation; to change  
27 provisions relating to low-wealth capital outlay grants to local school systems; to provide for  
28 grants for school systems which use a prototypical design and have the project managed

1 under the direction of the Georgia State Financing and Investment Commission; to enact the  
 2 Georgia Academic Placement and Promotion Policy; to provide for adoption by each local  
 3 board of education of a placement and promotion policy including standards for retention of  
 4 students in certain grades, opportunity for retesting, appeal of retention decisions, additional  
 5 or accelerated instruction, and procedures for students receiving special education services;  
 6 to provide for additional policies by local boards of education relative to accelerated  
 7 instruction, placement, promotion, or retention of students; to provide for assistance from the  
 8 State Board of Education; to provide for a timetable for implementation; to change  
 9 provisions relating to schedules in middle schools; to provide for eligibility for sparsity  
 10 grants to supplement funding for certain alternative education programs; to amend Chapter  
 11 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education,  
 12 so as to change eligibility requirements for HOPE scholarships for seniors attending private  
 13 postsecondary institutions; to provide a time limit for using a PROMISE II teacher's  
 14 scholarship; to amend an Act approved April 22, 1999 (Ga. L. 1999, p. 400), so as to change  
 15 the date for automatic repeal of such Act, relating to low-wealth capital outlay grants, to June  
 16 30, 2009; to provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
 20 secondary education, is amended by striking in its entirety Code Section 20-2-153, relating  
 21 to the special instructional assistance program for students with developmental deficiencies,  
 22 and inserting in lieu thereof the following:

23 "20-2-153.

24 The State Board of Education shall create a ~~special instructional assistance~~ an early  
 25 intervention program to assist students with identified developmental deficiencies which  
 26 are likely to result in problems in maintaining a level of performance consistent with  
 27 expectations for their respective ages. The kindergarten early intervention program shall  
 28 serve students enrolled in kindergarten. The primary grades early intervention program  
 29 shall serve students enrolled in grades one through three. The upper elementary grades  
 30 early intervention program shall serve students in grades four through five. Only students  
 31 ~~enrolled in grades kindergarten through five~~ with documented developmental levels below  
 32 expectations for their respective ages ~~that are not attributable to an identified disabling~~  
 33 ~~condition and who are not enrolled in either the remedial education program or any of the~~  
 34 ~~special education programs~~ shall be eligible for the ~~special instructional assistance~~  
 35 ~~program; provided, however, that students with physical disabilities whose special~~

1 ~~education services consist solely of therapy related to the physical disability shall be~~  
2 ~~eligible for the special instructional assistance program if they meet all other criteria of this~~  
3 ~~Code section. The state board shall specify the instruments and process used to determine~~  
4 ~~student eligibility for this program, including specification of the student eligibility criteria~~  
5 ~~to be applied, the allowable educational services to be provided under this Code section,~~  
6 ~~and the funding guidelines to be used in distributing state funds to participating local~~  
7 ~~school systems. Such policies and guidelines shall be submitted to the General Assembly~~  
8 ~~for review and comment prior to the request for funding by the state board early~~  
9 ~~intervention program. The purpose of the early intervention program shall be to provide~~  
10 ~~additional instructional resources to help students who are performing below grade level~~  
11 ~~obtain the necessary academic skills to reach grade level performance in the shortest~~  
12 ~~possible time. The definition of below grade level shall be that as defined by the Office of~~  
13 ~~Education Accountability and adopted by the Education Coordinating Council and State~~  
14 ~~Board of Education. In developing accountability standards for schools, the Office of~~  
15 ~~Education Accountability shall consider the length of time that students spend in the early~~  
16 ~~intervention program as one of the determinants of performing and nonperforming schools.~~  
17 ~~Students should be moved into this program, provided assistance, and moved out of this~~  
18 ~~program upon reaching grade level performance. It is not the intent of the General~~  
19 ~~Assembly that students be assigned to this program on a continuing or permanent basis.~~  
20 ~~The school shall provide timely notice and an opportunity for a conference with the student~~  
21 ~~and his or her parents or guardians to discuss the student's developmental deficiencies and~~  
22 ~~options for addressing those deficiencies. The specifications for delivery of early~~  
23 ~~intervention services shall be the responsibility of local boards of education except that the~~  
24 ~~program rules and regulations adopted by the State Board of Education shall be followed~~  
25 ~~in designing the program delivery models. Delivery models may include, but are not~~  
26 ~~limited to, class augmentation, pull-out or self-contained classes, and the Reading~~  
27 ~~Recovery Program delivered by certificated personnel. Funding for the early intervention~~  
28 ~~program shall have a full-time equivalent teacher-student ratio of one teacher to 11~~  
29 ~~students.~~ Each local school system shall annually report ~~by grade level the number of~~  
30 ~~eligible students, the number of students served, the types of services provided, and the~~  
31 ~~average achievement of students served. For the first year of implementation of this~~  
32 ~~program state wide, the state board shall request an amount for grants to local school~~  
33 ~~systems based upon documentation of the number of eligible students estimated to be~~  
34 ~~served; provided, however, that funds appropriated for this program in the initial year of~~  
35 ~~operation shall be allocated only on the basis of the documented actual number of students~~  
36 ~~being served during the initial year. For the second year of operation and thereafter, the~~  
37 ~~amount of funds appropriated and allocated for this program shall be based on the actual~~

1 ~~count of students served during the preceding year. In the event that insufficient funds are~~  
 2 ~~appropriated by the General Assembly to serve all eligible students in this program, any~~  
 3 ~~funds which are appropriated shall be directed toward addressing the needs of the most~~  
 4 ~~needy eligible students in each local school system as identified by the local board of~~  
 5 ~~education in each local system~~ the number of students served in the early intervention  
 6 program as part of the full-time equivalent program count conducted pursuant to Code  
 7 Section 20-2-160."

## 8 SECTION 2.

9 Said chapter is further amended by striking in its entirety Code Section 20-2-154, relating  
 10 to the remedial education program, and inserting in lieu thereof the following:

11 "20-2-154.

12 (a) All children and youth who are eligible for a general and career education program  
 13 under Code Section 20-2-151 and who are also eligible under the criteria specified in this  
 14 Code section shall be provided, in accordance with policies adopted by the State Board of  
 15 Education, the remedial education program services needed to address their respective  
 16 reading, mathematics, or writing deficiencies beginning fiscal year 1992. The following  
 17 students shall be eligible for remedial education services:

18 (1) Students in ~~grades four and five and~~ grades nine through 12 may be eligible for  
 19 services if they meet two or more of the following criteria:

20 (A) The student has been through the formal student support team process and has  
 21 documented evidence to support the placement in remedial education;

22 (B) The student has been retained in the grade;

23 (C) The student is receiving services under Part A of Chapter 1 of Title 1 of the  
 24 Elementary and Secondary Education Act of 1965, as amended by the Improving  
 25 America's Schools Act of 1994 (Public Law 103-382);

26 (D) The student has been recommended by the teacher who has documented any of the  
 27 following student information:

28 (i) Low performance in the reading series system;

29 (ii) Low performance in the mathematics series; or

30 (iii) The student is unable to verbally express ideas and cannot write or dictate a  
 31 meaningful sentence; or

32 (E) Current test information in the student file indicates the student has a score at or  
 33 below the twenty-fifth percentile; and

34 (2) Students in ~~grades four and five and~~ grades nine through 12 who are receiving  
 35 services under the special education program as authorized by Code Section 20-2-152 and  
 36 whose Individualized Education Programs (IEP's) specify that they meet the eligibility

1 requirements specified in paragraph (1) of this subsection and that their special education  
 2 program is not designed to address their respective reading, mathematics, or writing  
 3 deficiencies.

4 No more than 25 percent of the full-time equivalent population in eligible grades as  
 5 specified in paragraphs (1) and (2) of this subsection shall be eligible for the remedial  
 6 program; provided, however, that the State Board of Education may develop regulations  
 7 whereby a higher percentage may be eligible if the percentage of students receiving free  
 8 and reduced price lunches exceeds 50 percent.

9 ~~(b) Students in grades four and five shall only receive instruction at any given time at their~~  
 10 ~~current performance level or slightly above such level in the subject matter areas for which~~  
 11 ~~they are eligible under the provisions of this Code section; provided, however, that the~~  
 12 ~~program of instruction is designed to move the student to grade level or higher in the~~  
 13 ~~shortest possible time while ensuring mastery as the student progresses.~~ Each local unit  
 14 of administration shall submit to the State Board of Education by July 1 of each year the  
 15 average achievement scores by subject area and grade level of all students who were  
 16 receiving instructional services under the provisions of this Code section, except those  
 17 students whose Individualized Education Programs under the special education program  
 18 state they shall not be administered such achievement tests. If appropriate evaluation data  
 19 are not received from a local school system by the state board by July 1 of each year, after  
 20 a hearing has been held for the system, the subsequent allocation of funds under this Code  
 21 section for the next fiscal year shall be withheld in accordance with the procedure specified  
 22 in Code Section 20-2-243. The state board shall monitor each local school system's  
 23 remedial education program at least once each year. The state board shall annually request  
 24 sufficient state funds to pay a pro rata share of the costs associated with the staff of the  
 25 federal compensatory education program for disadvantaged children when such staff is  
 26 used to evaluate the remedial education program under this Code section in conjunction  
 27 with the evaluation of the federal compensatory education program for disadvantaged  
 28 children in the same local school system."

### 29 SECTION 3.

30 Said chapter is further amended in Code Section 20-2-154.1, relating to alternative education  
 31 programs, by striking subsection (h) in its entirety and inserting in lieu thereof the following:

32 "(h) For the 2000-2001 and 2001-2002 school year years, state funding of alternative  
 33 education programs shall be based upon a full-time equivalent program count that equals  
 34 2.5 percent of the sum of the full-time equivalent program count for grades six through 12  
 35 of the middle grades program, the middle school program as defined in Code Section  
 36 20-2-290, the high school general education program (grades nine through 12), and the

1 vocational laboratory program (grades nine through 12). For the ~~2001-2002~~ 2002-2003  
 2 school year and thereafter, the amount of state funds appropriated and allocated for the  
 3 alternative education program provided for in this Code section shall be based on the actual  
 4 count of students served during the preceding year, except that the count of students served  
 5 shall not exceed 2.5 percent of the sum of the full-time equivalent program count ~~for grades~~  
 6 ~~six through 12~~ of the middle grades program, the middle school program as defined in  
 7 Code Section 20-2-290, the high school general education program (grades nine through  
 8 12), and the vocational laboratory program (grades nine through 12). Funds earned may  
 9 be expended in grades kindergarten through five."

10 **SECTION 4.**

11 Said chapter is further amended by striking in its entirety subsection (e) of Code Section  
 12 20-2-160, relating to determination of enrollment and funds to be appropriated, and inserting  
 13 in lieu thereof the following:

14 "(e) For purposes of calculating allotments for the instructional programs identified in  
 15 paragraphs (2), (4), ~~(7), and (18)~~ (6), (8), and (19) of subsection (b) of Code Section  
 16 20-2-161, for which the full-time equivalent program counts provided for in subsections  
 17 (a) through (d) of this Code section do not exist, the most recent full-time equivalent  
 18 program count shall be used until such time as the full-time equivalent program counts  
 19 provided for in subsections (a) through (d) of this Code section do exist."

20 **SECTION 5.**

21 Said chapter, article, and part are further amended in Code Section 20-2-161, relating to the  
 22 Quality Basic Education Formula, by striking subsection (b) in its entirety and inserting in  
 23 lieu thereof the following:

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

28	(1) Kindergarten program .....	1.3405
29		<u>1.6226</u>
30		weight and
31		1 to 15
		ratio

1	(2) Kindergarten early intervention program .....	<del>1.7082</del>
2		<u>1.9952</u>
3		weight and
4		1 to 11
		ratio
5	(3) Primary grades program (1-3) .....	<del>1.2689</del>
6		<u>1.2686</u>
7		weight and
8		1 to 17
		ratio
9	(4) Primary grades early intervention program (1-3) .....	<del>1.7556</del>
10		<u>1.7617</u>
11		weight and
12		1 to 11
		ratio
13	(5) Upper elementary grades program (4-5) .....	<del>1.0289</del>
14		<u>1.0258</u>
15		weight and
16		1 to 23
		ratio
17	<u>(6) Upper elementary grades early intervention program (4-5) .....</u>	<u>1.7549</u>
18		<u>weight and</u>
19		<u>1 to 11</u>
20		<u>ratio</u>
21	<del>(6)</del> <u>(7)</u> Middle grades program (6-8) .....	<del>1.0218</del>
22		<u>1.0102</u>
23		weight and
24		1 to 23
		ratio
25	<del>(7)</del> <u>(8)</u> Middle school program (6-8) as defined in Code Section 20-2-290 .	<del>1.1196</del>
26		<u>1.1104</u>
27		weight and
28		1 to 20
		ratio

1	<del>(8)</del> <u>(9)</u> High school general education program (9-12) .....	1.0000
2		weight and
3		1 to 23
4		ratio
5	<del>(9)</del> <u>(10)</u> Vocational laboratory program (9-12) .....	<del>1.2052</del>
6		<u>1.2010</u>
7		weight and
8		1 to 20
		ratio
9	<del>(10)</del> <u>(11)</u> Program for persons with disabilities:	
10	Category I .....	<del>2.3272</del>
11		<u>2.3409</u>
12		weight and
13		1 to 8
		ratio
14	<del>(11)</del> <u>(12)</u> Program for persons with disabilities:	
15	Category II .....	<del>2.7111</del>
16		<u>2.7330</u>
17		weight and
18		1 to 6.5
		ratio
19	<del>(12)</del> <u>(13)</u> Program for persons with disabilities:	
20	Category III .....	<del>3.4485</del>
21		<u>3.4778</u>
22		weight and
23		1 to 5
		ratio
24	<del>(13)</del> <u>(14)</u> Program for persons with disabilities:	
25	Category IV .....	<del>5.5742</del>
26		<u>5.6253</u>
27		weight and
28		1 to 3
		ratio

1	<del>(14)</del> <u>(15)</u> Program for persons with disabilities:	
2	Category V .....	<del>2.4136</del>
3		<u>2.4233</u>
4		weight and
5		1 to 8
		ratio
6	<del>(15)</del> <u>(16)</u> Program for intellectually gifted students:	
7	Category VI .....	<del>1.6255</del>
8		<u>1.6340</u>
9		weight and
10		1 to 12
		ratio
11	<del>(16)</del> <u>(17)</u> Remedial education program .....	<del>1.2864</del>
12		<u>1.2917</u>
13		weight and
14		1 to 15
		ratio
15	<del>(17)</del> <u>(18)</u> Alternative education program .....	<del>1.5613</del>
16		<u>1.5702</u>
17		weight and
18		1 to 15
		ratio
19	<del>(18)</del> <u>(19)</u> English for speakers of other languages (ESOL) program .....	<del>2.4317</del>
20		<u>2.4521</u>
21		weight and
22		1 to 7
		ratio"

**SECTION 6.**

Said chapter is further amended in subsection (a) of Code Section 20-2-167, relating to funding for direct instructional, media center, and staff development costs, uniform budget and accounting system, and submission of local budget to the state board, by inserting a new paragraph to be designated paragraph (2.1) to read as follows:

"(2.1) The state board shall annually compute, based upon the initial allotment of funds to each local school system, the total funds needed to pay the beginning salaries for instructors needed to provide 20 additional days of instruction for 10 percent of the

1 full-time equivalent count of students. Following the midterm adjustment, the state board  
 2 shall issue allotment sheets for each local school system. Each local school system shall  
 3 spend 100 percent of the funds designated for additional days of instruction for such  
 4 costs."

#### 5 SECTION 7.

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

9 "20-2-181.

10 The calculation of all program weights shall reflect a base size local school system of 3,300  
 11 full-time equivalent students. The calculation of program weights for the kindergarten  
 12 program, the kindergarten early intervention program, the primary grades (1-3) early  
 13 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)  
 14 early intervention program, and the upper elementary grades (4-5) program shall reflect a  
 15 base school size of 450 full-time equivalent students. The calculation of program weights  
 16 for the middle grades (6-8) program, the middle school (6-8) program, the special  
 17 education programs, the remedial education program, and the English for speakers of other  
 18 languages program shall reflect a base school size of 624 full-time equivalent students. The  
 19 calculation of the program weights for the high school general education program and the  
 20 high school vocational laboratory program shall reflect a base school size of 970 full-time  
 21 equivalent students. The calculation of program weights for the alternative education  
 22 program shall reflect a base school size of 100 full-time equivalent students, except that the  
 23 calculations for secretaries and media personnel shall reflect a base school size of 624  
 24 full-time equivalent students."

#### 25 SECTION 8.

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

29 "20-2-182.

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

34 (b) The program weights for the primary, primary grades early intervention, upper  
 35 elementary, upper elementary grades early intervention, middle grades, and middle school  
 36 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least

1 the beginning salaries of specialists qualified to teach art, music, and physical education,  
2 subject to appropriation by the General Assembly.

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

13 (c.1) The program weights for the kindergarten and the kindergarten early intervention  
14 programs, when multiplied by the base amount, shall reflect sufficient funds to pay the  
15 salaries for instructional aides.

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

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

23 (f) The program weights for the vocational laboratory program, when multiplied by the  
24 base amount, shall reflect sufficient funds to pay the beginning salaries of laboratory  
25 supervisors in such program.

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

36 (g) All program weights, when multiplied by the base amount, shall reflect sufficient funds  
37 to pay the cost of sick and personal leave for teachers, the employer's portion of costs for

1 membership in the Teachers Retirement System of Georgia and health insurance programs  
2 authorized by law, the cost of essential instructional materials and equipment needed to  
3 operate effectively such instructional programs, and the cost of travel required of personnel  
4 in order to deliver educational services to enrolled students, subject to appropriation by the  
5 General Assembly.

6 (h) All program weights, when multiplied by the base amount, shall reflect, whenever they  
7 are revised pursuant to subsection (f) of Code Section 20-2-161, an amount of funds for the  
8 purpose of providing staff and professional development to certificated and classified  
9 personnel and local school board members which shall be at least equivalent to 1.5 percent  
10 of salaries of all certificated professional personnel used in the development of each  
11 respective program weight, subject to appropriation by the General Assembly. Funds used  
12 for professional or staff development purposes may be used throughout the fiscal year,  
13 including days when students are not present at school, to meet professional or staff  
14 development needs in the order of priority determined by the local board of education  
15 within the comprehensive professional and staff development program plan approved by  
16 the State Board of Education pursuant to Code Section 20-2-232. Such professional and  
17 staff development program plan shall address deficiencies of certificated personnel as  
18 identified by evaluations required under Code Section 20-2-210. Where possible,  
19 professional and staff development funds shall be used for activities that enhance the skills  
20 of certificated personnel and directly relate to student achievement. Subsequent certificated  
21 personnel evaluations shall include an assessment of an employee's professional and staff  
22 development activities and their effect on identified deficiencies and student achievement.  
23 Funds for professional development purposes may be used for activities occurring at any  
24 time during the fiscal year outside of an employee's normal contract hours.

25 (i) The State Board of Education shall adopt for each instructional program authorized  
26 pursuant to Part 3 of this article and the middle school program provided for in Code  
27 Section 20-2-290 the maximum number of students which may be taught by a teacher in  
28 an instructional period. Such maximum class sizes shall be equal to or greater than the  
29 teacher-student ratios used in the calculation of the program weights as set forth in  
30 subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by  
31 more than 20 percent, unless specifically authorized by the State Board of Education;  
32 provided, however, that in no case shall the 20 percent maximum be exceeded for  
33 mathematics, science, social studies, or English classes; provided, further, that the  
34 maximum class size for grades one through three shall not exceed 20 percent over the  
35 funding ratio except for art, music, or physical education classes; provided, further, that the  
36 maximum class size for special education, gifted, and English for speakers of other  
37 languages classes shall be set by the State Board of Education. For a period not to exceed

1 four years, beginning with the 2000-2001 school year, local school systems shall be  
 2 allowed to exceed the maximum class sizes set forth in this subsection in a manner  
 3 consistent with State Board of Education rules. The State Board of Education shall lower  
 4 the current maximum class sizes set by state board rules in effect for the 1999-2000 school  
 5 year, beginning with the 2000-2001 school year, by a proportional amount each school year  
 6 so that, beginning with the 2003-2004 school year, State Board of Education rules are in  
 7 compliance with this subsection. An aide may be used ~~to increase the maximum class size~~  
 8 ~~in kindergarten from 18 to 20 and may be used in all other~~ in programs to increase class  
 9 size as allowed by State Board of Education rule, except that an aide shall not be used to  
 10 increase the maximum class size in kindergarten or grades one through three. The  
 11 maximum class size for the kindergarten and primary grades programs is defined as the  
 12 number of students in a physical classroom. Maximum class sizes that result in a fractional  
 13 full-time equivalent shall be rounded up to the nearest whole number as needed. The  
 14 middle school program shall use the teacher-student ratio of the middle grades program for  
 15 the purpose of this subsection. The number of students taught by a teacher at any time after  
 16 the first 15 school days of a school year may not exceed the maximum such number unless  
 17 authorization for a specific larger number is requested of the state board, along with the  
 18 educational justification for granting the requested exemption, and the state board has  
 19 approved said request. The state board shall not reduce class sizes without the  
 20 authorization of the General Assembly, if this reduction necessitates added costs for  
 21 facilities, personnel, and other program needs. Local boards of education may reduce class  
 22 sizes, build additional facilities, and provide other resources at local cost if such actions are  
 23 in the best interest of the local school systems' programs as determined by the local boards  
 24 of education."

25 **SECTION 9.**

26 Said chapter is further amended by inserting a new Code section to be designated Code  
 27 Section 20-2-184.1 to read as follows:

28 "20-2-184.1.

29 The program weights for the kindergarten, kindergarten early intervention, primary,  
 30 primary grades early intervention, upper elementary, upper elementary grades early  
 31 intervention, middle grades, middle school, and remedial programs and the program  
 32 weights for the high school programs authorized pursuant to paragraph (4) of subsection  
 33 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
 34 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
 35 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
 36 funds shall be used for addressing the academic needs of low-performing students with

1 programs including, but not limited to, instructional opportunities for students beyond the  
2 regular school day, Saturday classes, intersession classes, and summer school classes."

### 3 **SECTION 10.**

4 Said chapter is further amended in Code Section 20-2-186, relating to allocation of funds for  
5 local systems to pay beginning salaries of certain employees and eligibility of failing schools  
6 for funds, by striking paragraph (4) of subsection (a) and inserting in lieu thereof the  
7 following:

8 "(4) Each local system shall earn funds for the 2000-2001 school year sufficient to pay  
9 the beginning salary of a principal for each school in the local school system with a  
10 principal of record for the preceding year. Thereafter, each local school system shall earn  
11 funds sufficient to pay the beginning salary of a principal for each school in the local  
12 school system that reported a principal on the October certified personnel information  
13 report; provided, however, that any school which operates as a combination school,  
14 which is defined as any of the elementary grades, kindergarten through grade five,  
15 contiguous with one or more of the middle grades, grades six through eight; or as a  
16 combination school of any of the middle grades, grades six through eight, contiguous  
17 with one or more of the elementary grades or contiguous with one or more of the high  
18 school grades, grades nine through 12; or as a combination school of any of the high  
19 school grades, contiguous with one or more of the middle grades, shall earn funds  
20 sufficient to pay the beginning salary of a one principal ~~for each of the elementary,  
21 middle, or high school combinations. Beginning with the 2001-2002 school year, funds  
22 cannot be earned for more than one principal's salary for schools on the same campus  
23 sharing facilities unless the schools operate as a combination school as defined in this  
24 paragraph with separate facility codes issued by the Department of Education. A local  
25 school system shall earn funds in the midterm adjustment sufficient to pay the beginning  
26 salary of a principal for a new school, if not otherwise earning the funds, when the school  
27 has reported full-time equivalent program counts in the October count, has an approved  
28 new school facility code issued by the department, and has reported a principal on the  
29 October certified personnel information report under the new facility code. It is further  
30 provided that funds for the salary of a principal shall not be earned under this paragraph  
31 for an evening school or alternative school; and"~~

### 32 **SECTION 11.**

33 Said chapter is further amended in Code Section 20-2-212.2, relating to salary increases for  
34 persons receiving certification from the National Board for Professional Teaching Standards,  
35 by striking subsections (d) and (e) and inserting in lieu thereof the following:

1 "(d) A portion of the national certification program participation fee may be paid by the  
 2 state prior to certification for any person who:

3 (1) Is currently teaching in a Georgia public school and holds a valid Georgia teaching  
 4 certificate;

5 (2) Has completed three years of teaching in Georgia public schools prior to applying for  
 6 national certification;

7 (3) Has submitted an application and the initial qualifying payment to the National Board  
 8 for Professional Teaching Standards; and

9 (4) Has successfully completed a screening process developed by the Professional  
 10 Standards Commission.

11 (e) A teacher for whom the State of Georgia pays a portion of the national certification  
 12 participation fee and who does not teach in a Georgia public school for at least one year  
 13 after receiving certification shall repay the state's portion of the participation fee to the  
 14 state. Repayment is not required if the teacher is unable to complete the additional year of  
 15 teaching due to the death or disability of the teacher, and repayment is not required if the  
 16 teacher fails to receive national board certification.

17 ~~(d)~~(f) The portion of the national certification program participation fee paid by the  
 18 participant shall be reimbursed by the state upon certification for any teacher who is  
 19 eligible for an increase pursuant to subsection (b) of this Code section.

20 ~~(e)~~(g) A teacher for whom the State of Georgia pays reimburses the cost of the  
 21 participation fee and who does not teach in a Georgia public school for at least one year  
 22 after receiving certification shall repay the certification fee reimbursement payment to the  
 23 state. Repayment is not required if the teacher is unable to complete the additional year of  
 24 teaching due to the death or disability of the teacher."

## 25 SECTION 12.

26 Said chapter is further amended by striking in its entirety Code Section 20-2-214, relating  
 27 to salaries and salary supplements for principals, and inserting in lieu thereof the following:

28 "20-2-214.

29 The State Board of Education shall establish a salary schedule for school principals that  
 30 includes a supplement amount for each principal. The amount of the supplement shall be  
 31 based on the amount appropriated by the General Assembly for this purpose each year  
 32 divided by the total weighted full-time equivalent count for the state. The amount for each  
 33 principal shall be determined by multiplying the amount per weighted full-time equivalent  
 34 count by the weighted full-time equivalent count for each school. Local school systems  
 35 shall pay this supplement to each local school principal ~~in one separate payment each~~  
 36 ~~school year."~~

**SECTION 13.**

Said chapter is further amended in Code Section 20-2-260, relating to capital outlay funds, by striking subsections (b), (c), (e), (f), (g), and (j) and inserting in lieu thereof the following:

"(b) As used in this Code section, the following words or terms shall have the following meanings:

(1) 'Addition' refers to square footage of room floor space for instructional or other purposes added to an existing educational facility, whether physically connected thereto or a separate structure located on the same site.

(2) 'Annual debt service' is defined as expenditures for the annual retirement of debt for capital outlay construction projects for educational facilities and shall include the interest on the principal as well as the principal of the debt.

(3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result in the acquisition of fixed assets, existing buildings, improvements to sites, construction of buildings, construction of additions to buildings, retrofitting of existing buildings for energy conservation, and initial and additional equipment and furnishings for educational facilities.

(4) 'Construction project' refers to the construction of new buildings, additions or expansion of existing buildings, relocation of existing buildings or portions thereof, renovation or modernization of existing buildings or structures, and procedures and processes connected thereto, related to educational facilities.

(5) 'Educational facilities' shall include buildings, fixtures, and equipment necessary for the effective and efficient operation of the program of public education required by this article, which, without limiting the generality of the foregoing, shall include classrooms, libraries, rooms and space for physical education, space for fine arts, restrooms, specialized laboratories, cafeterias, media centers, building equipment, building fixtures, furnishings, related exterior facilities, landscaping and paving, and similar items which the State Board of Education may determine necessary. The following facilities are specifically excluded: swimming pools, tracks, stadiums, and other facilities or portions of facilities used primarily for athletic competition and the central and area administrative offices of local units of administration.

(6) 'Educational facilities survey' is defined as a systematic study of present educational facilities and a five-year forecast of future needs.

(7) 'Entitlement' refers to the maximum portion of the total need that may be funded in a given year.

(7.1) 'Exceptional growth' means that growth experienced by an exceptional growth system under the calculations specified in subparagraph (j)(2)(A) of this Code section.

1 (8) 'Full-time equivalent student count' is defined as the average of the two full-time  
 2 equivalent counts pursuant to Code Section 20-2-160 for a school year; provided,  
 3 however, that the average daily membership shall be used in lieu of such full-time  
 4 equivalent student counts for school years for which such counts are not available.

5 (9) 'Local funds' refers to funds available to local school systems from sources other than  
 6 state and federal funds except any federal funds designed to replace local tax revenues.

7 (10) 'Local school system's 1 percent local sales tax wealth' is defined as the funds in  
 8 dollars generated during the year by a 1 percent sales tax levied in the school district.

9 (11) 'Local wealth factor' is defined as the average of the property tax wealth factor and  
 10 the sales tax wealth factor. The property tax wealth factor is determined by dividing the  
 11 local school system's net equalized adjusted property tax digest per weighted full-time  
 12 equivalent resident student by the state-wide net equalized adjusted school property tax  
 13 digest per weighted full-time equivalent student. The sales tax wealth factor is  
 14 determined by dividing the local school system's 1 percent local sales tax wealth per  
 15 weighted full-time equivalent resident student by the state-wide 1 percent sales tax wealth  
 16 per weighted full-time equivalent student.

17 ~~(10)~~(12) 'Net equalized adjusted school property tax digest' is defined as the equalized  
 18 adjusted school property tax digest furnished pursuant to Code Section 48-5-274, reduced  
 19 in accordance with paragraphs (1) and (2) of subsection (a) of Code Section 20-2-164.

20 ~~(11)~~(13) 'Physical education facility' is defined as any facility which is designed for an  
 21 instructional program in physical education and shall exclude any spectator stands,  
 22 lobbies, public restrooms, concession areas, or space normally identified to serve only the  
 23 interscholastic athletic program in which the school may participate.

24 ~~(12)~~(14) 'Renovation' or 'modernization' or both refers to construction projects which  
 25 consist of the installation or replacement of major building components such as lighting,  
 26 heating, air-conditioning, plumbing, roofing, electrical, electronic, or flooring systems;  
 27 millwork; cabinet work and fixed equipment; energy retrofit packages; or room-size  
 28 modifications within an existing facility, but excluding routine maintenance and repair  
 29 items or operations.

30 ~~(13)~~(15) 'Required local participation' is defined as the amount of funds which must be  
 31 contributed by local school systems from local funds for each construction project.

32 ~~(14)~~(16) 'Unhoused students' is defined as those students who are not housed in school  
 33 facilities which are structurally sound with adequate space as defined by the state board.

34 ~~(15)~~(17) 'Weighted full-time equivalent student count' is defined as the average weighted  
 35 full-time equivalent count as defined in paragraph (3) of subsection (a) of Code Section  
 36 20-2-165.

1 (c) The State Board of Education shall adopt policies, guidelines, and standards, pursuant  
2 to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' that meet the  
3 requirements specified in this Code section. The state board's responsibilities shall include  
4 the following:

5 (1) To adopt policies, guidelines, and standards for the annual physical facility and real  
6 property inventory required of each local school system. This inventory shall include, but  
7 not be limited to: parcels of land; number of educational facilities; year of construction  
8 and design; size, number, and type of construction space; amount of instructional space  
9 in permanent and temporary buildings; designations for each instructional space in  
10 permanent and temporary buildings occupied by designated state approved instructional  
11 programs, federal programs, or local programs not required by the state; local property  
12 assessment for bond purposes; outstanding school bonds and annual debt service; and  
13 buildings and facilities not in use or rented or leased to individuals or other agencies of  
14 government, or used for other than instructional programs required by this article, each  
15 identified by its current use. Department of Education staff shall annually review, certify  
16 the accuracy of, and approve each local school system's inventory;

17 (2) To adopt policies, guidelines, and standards for the educational facilities survey  
18 required of local school systems. The educational facilities survey shall be initiated by  
19 written request of a local board of education. The request may suggest the number of  
20 teams and the individuals constituting such teams to participate in the survey. However,  
21 it shall be the responsibility of the Department of Education to constitute the makeup of  
22 the necessary teams. Said teams shall exclude local residents; employees of the local  
23 board of education, the servicing regional educational services agency, and other  
24 educational centers and agencies servicing the local board; and individuals deemed  
25 unacceptable by the local board. The state board shall establish and maintain  
26 qualification standards for participants of survey teams. Each educational facilities  
27 survey shall include, but not be limited to, an analysis of population growth and  
28 development patterns; assessment of existing instructional and support space; assessment  
29 of existing educational facilities; extent of obsolescence of facilities; and  
30 recommendations for improvements, expansion, modernization, safety, and energy  
31 retrofitting of existing educational facilities. The Department of Education staff shall  
32 review and certify as to the accuracy of each educational facilities survey. The state board  
33 shall approve or reject the recommendations of the survey team and shall establish appeal  
34 procedures for rejected surveys;

35 (3) To adopt policies, guidelines, and standards for educational facilities construction  
36 plans. Local school system facilities construction plans shall include, but not be limited  
37 to, a list of construction projects currently eligible for state capital outlay funds, if any;

1 educational facilities projected for abandonment, if any; educational facilities projected  
2 as needed five years hence; proposed construction projects for modernization, renovation,  
3 and energy retrofitting; proposed construction projects for the purpose of consolidating  
4 small, inefficient educational facilities which are less than the minimum size specified  
5 in subsection (q) of this Code section; and other construction projects needed to house the  
6 instructional programs authorized by provisions of this article;

7 (4) To adopt uniform rules, regulations, policies, standards, and criteria respecting all  
8 location, construction, equipping, operating, maintenance, and use of educational  
9 facilities as may be reasonably necessary to assure effective, efficient, and economical  
10 operation of the schools and all phases of the public education program provided for  
11 under the provisions of this article. Such matters shall include, but not be limited to, the  
12 method, manner, type, and minimum specifications for construction and installation of  
13 fixtures and equipment in educational facilities; space requirements per student; number  
14 and size of classrooms; allowable construction costs based on current annual construction  
15 cost data maintained by the Department of Education; and other requirements necessary  
16 to ensure adequate, efficient, and economical educational facilities. The state board shall  
17 adopt policies or standards which shall allow renovation costs up to the amount of new  
18 construction of a replacement facility, provided that the renovated facility provides  
19 comparable instructional and supportive space and has an extended life comparable to  
20 that of a new facility. Except for satisfying the most recent life safety codes, facilities  
21 which are undergoing renovation, modernization, or additions shall otherwise meet  
22 requirements applicable to them prior to renovation, modernization, or additions,  
23 provided that such additions do not increase the student capacity of the facility  
24 substantially above the capacity for which it was designed;

25 (5) To develop a state-wide needs assessment for purposes of planning and developing  
26 policies, anticipating state-wide needs for educational facilities, and providing assistance  
27 to local school systems in developing educational facilities plans. The state-wide needs  
28 assessment shall be developed from, among other sources, vital statistics published by the  
29 Department of Human Resources, census data published by the Bureau of the Census,  
30 local school system educational facilities and real property inventories, educational  
31 facilities surveys, full-time equivalent student projection research, and educational  
32 facilities construction plans; shall reflect circumstances where rapid population growth  
33 is caused by factors not reflected in full-time equivalent student projection research; and  
34 shall give priority to elementary school construction. In addition, the state board shall  
35 develop a consistent, systematic research approach to full-time equivalent student  
36 projections which will be used in the development of needs within each local unit.  
37 Projections shall not be confined to full-time equivalent resident students but shall be

1 based on full-time equivalent student counts which include full-time equivalent  
2 nonresident students, whether or not such full-time equivalent nonresident students attend  
3 school pursuant to a contract between local school systems. The full-time equivalent  
4 projection shall be calculated in accordance with subsection (m) of this Code section.  
5 The survey team will use such projections in determining the improvements needed for  
6 the five-year planning period. The state board shall also develop schedules for allowable  
7 square footage and cost per square foot and review these schedules annually. The cost  
8 estimate for each recommended improvement included in the plan shall be based on these  
9 schedules. Any increase in cost or square footage for a project beyond that allowed by  
10 state board schedules for such projects shall be the responsibility of the local school  
11 system and shall not count toward present or future required local participation. The  
12 schedules for allowable square footage and cost per square foot shall be specified in  
13 regulations by the State Board of Education;

14 (6) To adopt policies, standards, and guidelines to ensure that the provisions of  
15 subsections (e), (f), (g), (h), (i), (j), and (k.1) of this Code section relating to uses of state  
16 capital outlay funds, state and local share of costs, entitlements, allocation of capital  
17 outlay funds, advance funding for certain construction projects, exceptional growth  
18 construction projects, and consolidation of schools across system lines are carried out;

19 (7) To review and approve proposed sites and all architectural and engineering drawings  
20 and specifications on construction projects for educational facilities to ensure compliance  
21 with state standards and requirements, and inspect and approve completed construction  
22 projects financed in whole or in part with state funds, except construction projects under  
23 supervision of the Georgia State Financing and Investment Commission. The state board  
24 may designate selected local units of administration which have staff qualified for such  
25 purposes to act on behalf of the Department of Education in such inspections, when the  
26 project is not under the direction of the Georgia State Financing and Investment  
27 Commission;

28 (8) To coordinate construction project reviews with the state fire marshal's office and the  
29 Department of Human Resources;

30 (9) To provide procedures whereby local school systems may revise their educational  
31 facilities plans or the priority order of construction projects requested to reflect  
32 unforeseen changes in locally identifiable needs, which revisions shall be approved by  
33 the State Board of Education, providing that such revisions meet state and local building  
34 codes, fire marshal certification, architectural requirements, and minimum size  
35 requirements under subsection (q) of this Code section; and

36 (10) To adopt uniform rules, regulations, policies, standards, and criteria respecting all  
37 location, construction, equipping, operating, maintenance, and use of education facilities

1 which are used as schools and that are historic landmarks and which are registered as  
2 historic landmarks with the National Register of Historic Places or the Georgia Register  
3 of Historic Places or are certified by the state historic preservation officer as eligible for  
4 such registration and the expenditure of capital outlay funds otherwise available to a  
5 school system for such purposes."

6 "(e) State capital outlay funds for educational facilities appropriated in accordance with  
7 provisions of this Code section shall be used for the following purposes:

8 (1) To provide construction projects needed because of increased student enrollment or  
9 exceptional growth or to replace educational facilities which have been abandoned or  
10 destroyed by fire or natural disaster and which shall consist of new buildings and  
11 facilities on new sites or new additions to existing buildings and facilities, or relocation  
12 of existing educational facilities or portions thereof to different sites;

13 (2) To provide construction projects to renovate, modernize, or replace educational  
14 facilities in order to correct deficiencies which produce educationally obsolete, unsafe,  
15 inaccessible, energy inefficient, or unsanitary physical environments;

16 (3) To provide construction projects for new additions to existing educational facilities  
17 or relocation of existing educational facilities or portions thereof to different sites in order  
18 to house changes in the instructional program authorized and funded under provisions of  
19 this article or new educational facilities on new sites or new additions to existing ones as  
20 a result of internal population shifts or changes in attendance zones within the local  
21 school system;

22 (4) To provide construction projects to consolidate educational facilities which have  
23 fewer pupils than required for the minimum school population specified in subsection (q)  
24 of this Code section or which are too expensive to renovate or modernize due to  
25 obsolescence or location and which shall consist of new educational facilities on new  
26 sites, new additions to existing sites, or relocation of existing educational facilities or  
27 portions thereof to different sites;

28 (5) To provide construction projects to consolidate the total student populations in  
29 elementary, middle, or high schools across local school system lines. In such projects,  
30 there shall be no requirement to include a vocational wing as defined within the high  
31 school structure but neither shall such vocational wing be excluded for funding purposes;

32 (6) To reimburse local school systems for current principal payments on local  
33 indebtedness for state approved construction projects for educational facilities. No local  
34 school system may request funds for the purposes of this paragraph unless and until all  
35 construction projects identified in its construction plan for the purposes of paragraphs (1)  
36 through (5) of this subsection have been completed; and

1 (7) To provide construction projects to renovate or modernize facilities which are  
 2 historic landmarks and are registered as historic landmarks with the National Register of  
 3 Historic Places or the Georgia Register of Historic Places or are certified by the state  
 4 historic preservation officer as eligible for such registration in order to correct  
 5 deficiencies which produce educationally obsolete, unsafe, inaccessible, energy  
 6 inefficient, or unsanitary physical environments; provided, however, that local school  
 7 boards shall be required to use the facility which is or is eligible to be a historic landmark  
 8 as a public school. Notwithstanding any other provisions of this Code section and  
 9 without regard to location or obsolescence, the state board shall allocate funds to renovate  
 10 and modernize historic landmark facilities which meet the requirements of this paragraph  
 11 in an amount which is the lesser of the cost of new construction to replace the historic  
 12 landmark or the actual cost of such renovation and modernization; provided, however,  
 13 that the renovated facility has an extended life comparable to that of a new facility; and  
 14 provided, further, that the local school system shall provide the remaining necessary  
 15 capital outlay funds to renovate the facility in accordance with all other requirements of  
 16 this Code section. No lottery proceeds shall be appropriated from the Lottery for  
 17 Education Account to fund any project or purpose authorized by this paragraph; and

18 (8) To provide construction projects that serve cooperative efforts between local school  
 19 systems and postsecondary institutions.

20 (f) The state and each local school system shall provide capital outlay funds for  
 21 educational facilities in accordance with this subsection as follows:

22 (1) The required local participation shall be ~~25~~ no more than 20 percent nor less than 8  
 23 percent of the eligible project cost as ~~modified~~ determined by the local ability ratio. The  
 24 local ability ratio is determined by multiplying the local wealth factor by 20 percent. At  
 25 the time a local school system applies to use entitlement earnings, a system may earn an  
 26 additional 2 percent reduction in the required local participation for each new  
 27 construction project that uses a Georgia State Financing and Investment Commission  
 28 prototypical design with the project managed under the direction of the Georgia State  
 29 Financing and Investment Commission. ~~and annual debt service. The local ability ratio~~  
 30 ~~shall be determined by dividing the local school system's net equalized adjusted school~~  
 31 ~~property tax digest per weighted full-time equivalent resident student by the state-wide~~  
 32 ~~net equalized adjusted school property tax digest per weighted full-time equivalent~~  
 33 ~~resident student. The resulting ratio shall be multiplied by 25 percent of the cost of the~~  
 34 ~~eligible construction project to determine the required local participation. A local school~~  
 35 ~~system may reduce its required local participation by an amount equal to no more than~~  
 36 ~~75 percent of annual debt service payments of interest and principal on local bonds issued~~  
 37 ~~for eligible construction projects. Regardless of the above, no local school system's~~

1 required local participation shall be less than ~~10~~ 6 percent nor greater than ~~25~~ 20 percent  
 2 of the cost of an eligible construction project except as provided in paragraph (2) of this  
 3 subsection; and

4 (2) The state shall participate in no more than 25 percent of the cost of construction  
 5 projects related to damage to educational facilities caused by fire or natural disaster.

6 (g)(1) In order to determine a reasonable total funding level for the purposes stated in  
 7 subsection (e) of this Code section, excluding funds provided for exceptional growth  
 8 pursuant to subsection (j) of this Code section, and to establish a fair and equitable  
 9 distribution of funds to local school systems, the State Board of Education shall annually  
 10 determine a level of authorization. ~~For a given fiscal year~~ Starting with fiscal year 2003  
 11 applications for funds and for each fiscal year thereafter, the new authorization level may  
 12 equal zero but shall not exceed ~~\$100~~ \$200 million, adjusted annually to reflect the  
 13 changes in the current annual construction cost data maintained by the Department of  
 14 Education pursuant to paragraph (4) of subsection (c) of this Code section. For purposes  
 15 of deliberations with the Governor and the General Assembly regarding the amount of  
 16 state funds to be appropriated, calculations shall be made for at least three levels below  
 17 the ~~\$100~~ \$200 million maximum authorization, adjusted as specified in this paragraph.

18 (2) In setting the annual authorization level under this subsection, the state board shall  
 19 consider any previously authorized but unfunded amounts together with the total estimate  
 20 of funds needed for school facilities in the state. Such total state facilities needs pursuant  
 21 to this subsection shall be computed by summing the following:

22 (A) The total facility improvement needs included in the most recent five-year  
 23 educational facilities plan, excluding exceptional growth construction projects which  
 24 shall be requested under subsection (j) of this Code section, which has been reviewed  
 25 by a survey team and approved by the state board. Such needs shall annually be  
 26 adjusted downward for projects financed by either state or local funds and shall  
 27 annually be adjusted upward or downward to reflect changes in the full-time equivalent  
 28 student counts but shall not be otherwise adjusted upward except upon approval of a  
 29 new or revised five-year plan pursuant to subsections (c) and (d) of this Code section;  
 30 and

31 (B) The sum of the annual debt service payments for the five-year period of the latest  
 32 survey (that used in subparagraph (A) of this paragraph), excluding payments for  
 33 postsecondary facilities, athletic facilities, administrative facilities, or other projects not  
 34 included in the approved five-year plan pursuant to subsections (c) and (d) of this Code  
 35 section. Such payments shall annually be adjusted ~~downward for any portion used in~~  
 36 ~~lieu of required local participation as allowed in subsection (f) of this Code section and~~  
 37 ~~shall be adjusted~~ upward or downward for the remaining portion of the five-year period

1 for ~~increases~~ changes in the annual debt service payments resulting from local financing  
2 of projects covered by the state board approved plan.

3 (3) Each local school system shall be entitled to a portion of the total authorization set  
4 by the state board annually under this subsection based on the ratio of that local school  
5 system's needs as computed in paragraph (2) of this subsection to the total of all local  
6 school systems' needs. In addition to the annual entitlement, the local school system is  
7 eligible to receive any entitlement accrued from previous years for which state funds have  
8 not yet been received. Any change in the method of determining entitlements in  
9 subsequent years shall in no way affect the amount of previously accrued entitlements.

10 (4) In order to determine the amount of state funds to be requested for a given fiscal year  
11 under this subsection, total new and accrued entitlements must be compared to the state  
12 portion of the current cost estimates of the projects approved in the educational facilities  
13 plan in priority order. Such comparison shall be made for each of the incremental  
14 entitlement levels required in paragraph (1) of this subsection. In the event that projects  
15 requested for funding exceed the total state entitlements and required local participation,  
16 local school systems may elect to contribute additional local funding. Local funds  
17 contributed in excess of required local participation may be credited as ~~debt service credit~~  
18 ~~only toward required local participation in subsequent years pursuant to paragraph (1) of~~  
19 ~~subsection (f) of this Code section, provided that the requested state appropriation for this~~  
20 ~~subsection shall not exceed \$100 million annually and, if necessary, the new entitlement~~  
21 ~~level shall be reduced to comply with this limitation~~ toward earning entitlement for state  
22 eligible project costs pursuant to subparagraph (B) of paragraph (2) of this subsection to  
23 the extent of the needs identified in the local facilities plan.

24 (5) The final level of entitlements actually authorized by the state board for a fiscal year  
25 shall be that level which is consistent with the Appropriations Act for that year."

26 "(j)(1) In order to determine a reasonable funding level under this subsection and to  
27 establish a fair and equitable distribution of funds to local school systems for construction  
28 projects needed because of exceptional growth, the State Board of Education shall  
29 annually determine a level of authorization. For a given fiscal year, the new authorization  
30 may equal zero but shall not exceed \$100 million. For purposes of deliberations with the  
31 Governor and the General Assembly regarding the amount of state funds to be  
32 appropriated, calculations shall be made for at least three levels below the \$100 million  
33 maximum authorization.

34 (2) In setting the annual authorization level for exceptional growth funding, the state  
35 board shall consider any previously authorized but unfunded amounts under this  
36 subsection together with the total estimate of funds needed for school facilities as a result  
37 of exceptional growth as computed under subparagraph (A) of this paragraph. The

1 annual entitlement for each school system experiencing exceptional growth shall be  
2 computed as follows:

3 (A) The average of each school system's average full-time equivalent count for the  
4 three most recently completed school years ('most recent average') will be compared  
5 to the average of that system's average full-time equivalent count for the three most  
6 recently completed school years prior to the most recently completed school year  
7 ('earlier average'). If there is an increase in a school system's most recent average of at  
8 least 1.5 percent and at least 65 average full-time equivalent counts over that system's  
9 earlier average, that system will be an exceptional growth system. For each such  
10 exceptional growth system with an increased average count of at least 65 average  
11 full-time equivalent counts after the above calculation, the amount of such increase will  
12 be divided by the total such increase for all exceptional growth systems under this  
13 subsection to provide the ratio of each system's growth to the total growth of all  
14 systems with exceptional growth; and

15 (B) Each of the school systems identified as being an exceptional growth system under  
16 subparagraph (A) of this paragraph shall be entitled to a portion of the total entitlement  
17 authorization set by the General Assembly annually for exceptional growth based on  
18 each system's relative exceptional growth to the sum of exceptional growth for all  
19 systems as determined in subparagraph (A) of this paragraph. The entitlement for each  
20 school system shall be determined annually by multiplying each system's ratio of need  
21 to the total need for exceptional growth by each of the program authorization levels  
22 required in paragraph (1) of this subsection. In addition to the annual entitlement, the  
23 local school system is eligible to receive any entitlement accrued under this subsection  
24 from previous fiscal years for which state funds have not been received. Any method  
25 of determining entitlements in subsequent years shall in no way affect the amount of  
26 previously accrued entitlements.

27 (3) The level of entitlement approved by the General Assembly and authorized by the  
28 state board shall not be greater than a total level of entitlement which, when divided by  
29 the sum of exceptional growth for all school systems with exceptional growth, provides  
30 a cost per average exceptional growth full-time equivalent student that is not greater than  
31 the average of construction costs per full-time equivalent student for elementary school,  
32 middle school, and high school construction as provided in paragraph (5) of subsection  
33 (c) of this Code section, the average of which three costs shall be reduced by the local  
34 participation required by subsection (f) of this Code section.

35 (4) In order to determine the amount of state funds to be requested for a given fiscal year  
36 under this subsection, total new and accrued entitlements under this subsection must be  
37 compared to the state portion of the current cost estimates for all projects approved for

1 exceptional growth. Such comparisons shall be made for each of the incremental  
2 entitlement levels required in paragraph (1) of this subsection. In the event that funding  
3 requested for new construction for exceptional growth exceeds the total state entitlements  
4 earned for exceptional growth and the required local participation, local school systems  
5 may elect to contribute additional local funding. Local funds contributed in excess of  
6 required local participation may be credited as ~~debt service credit pursuant to paragraph~~  
7 ~~(1) of subsection (f)~~ toward earning entitlement for state eligible project costs pursuant  
8 to subparagraph (g)(2)(B) of this Code section to the extent of the needs identified in the  
9 local facilities plan.

10 (5) The final level of entitlements actually authorized by the state board for a fiscal year  
11 shall be that level which is consistent with the Appropriations Act for that year.

12 (6) Local school systems may receive state capital outlay funds for exceptional growth  
13 projects if that system experienced exceptional growth and the following conditions are  
14 met:

15 (A) The local school system has specifically requested funding under this subsection  
16 prior to submission of the annual budget request for the state board to the General  
17 Assembly;

18 (B) Any construction project submitted to utilize growth entitlement shall include  
19 construction of at least three new instructional units. If sufficient growth entitlement  
20 is not currently available for all of the new instructional units needed under this  
21 subsection, additional local funds or entitlements available to meet construction needs  
22 identified in the school system's facilities plan pursuant to subsection (g) of this Code  
23 section may be combined with any entitlement available for exceptional growth  
24 pursuant to this subsection for the purpose of completing all construction needs  
25 identified at a school. Entitlements earned under this subsection shall not be withheld,  
26 recalculated, or otherwise reduced for any construction project approved under  
27 subsection (g) of this Code section. Exceptional growth entitlement shall be utilized  
28 for construction of new instructional units at an existing school or for new schools only  
29 for those schools which, following the completion of such construction, meet the  
30 minimum size specified in subsection (q) of this Code section. Other funding sources  
31 must be utilized for any renovation or modification activities which may be needed; and  
32 (C) The local participation required under subsection (f) of this Code section and all  
33 other procedural requirements of this Code section are met."



1 (2) The value of property per unit in the weighted full-time equivalent student count of  
 2 the local school system is less than 75 percent of the state-wide average value of property  
 3 per unit in the weighted full-time equivalent student count;

4 (3) The per capita income of residents of the local school district is less than 75 percent  
 5 of the state-wide average per capita income level;

6 (4) The local school system's millage rate for maintenance and operation is at least 60  
 7 percent of the system's constitutional authority to recommend; or if the school system is  
 8 not a recommending authority, the appropriations to the system represent a minimum of  
 9 60 percent of the amount that would be generated by a rate of 20 mills; or if the school  
 10 system is eligible to receive local option sales tax proceeds for maintenance and operation  
 11 purposes, the combination of property tax revenue and sales tax revenue represents a  
 12 minimum of 60 percent of the amount that would be generated by a rate of 20 mills;

13 (5) A special purpose local option sales tax is in effect in the local school district or the  
 14 local school system has in place a millage rate for debt service on bonds, or both; and

15 (6) The local school system is currently participating in advance funding from the state  
 16 for capital outlay projects and will continue in that status for a minimum of one additional  
 17 fiscal year beyond the fiscal year for which the grant is made."

#### 18 **SECTION 15.**

19 Said chapter is further amended by inserting in Part 12 of Article 6, relating to effectiveness  
 20 of educational programs, new Code Sections to be designated Code Sections 20-2-282,  
 21 20-2-283, 20-2-284, and 20-2-285 to read as follows:

22 "20-2-282.

23 (a) It is the policy of the State of Georgia that the placement or promotion of a student into  
 24 a grade, class, or program should be based on an assessment of the academic achievement  
 25 of the student and a determination of the education setting in which the student is most  
 26 likely to receive the instruction and other services needed in order to succeed and progress  
 27 to the next higher level of academic achievement.

28 (b) This policy as provided for in this Code section and Code Sections 20-2-283 through  
 29 20-2-285 shall be known as the 'Georgia Academic Placement and Promotion Policy.'

30 20-2-283.

31 (a) No later than January 1, 2002, the State Board of Education shall adopt criteria for the  
 32 development of a placement and promotion policy by each local board of education  
 33 consistent with the Georgia Academic Placement and Promotion Policy.

34 (b) Such criteria as adopted by the State Board of Education shall require the following for  
 35 students in grades three, five, and eight:

1 (1) No student shall be promoted, except as provided in this Code section, to:

2 (A) The fourth grade program to which the student would otherwise be assigned if the  
3 student does not achieve grade level as defined by the Office of Education  
4 Accountability in accordance with Code Section 20-14-31 on the third grade  
5 criterion-referenced reading assessment developed in accordance with subsection (a)  
6 of Code Section 20-2-281 and meet the promotional standards and criteria established  
7 by the State Board of Education and by the local school board for the school that the  
8 student attends;

9 (B) The sixth grade program to which the student would otherwise be assigned if the  
10 student does not achieve grade level as defined by the Office of Education  
11 Accountability in accordance with Code Section 20-14-31 on the fifth grade  
12 criterion-referenced mathematics assessment and fifth grade criterion-referenced  
13 reading assessment developed in accordance with subsection (a) of Code Section  
14 20-2-281 and meet the promotional standards and criteria established by the State  
15 Board of Education and by the local school board for the school that the student attends;

16 or

17 (C) The ninth grade program to which the student would otherwise be assigned if the  
18 student does not achieve grade level as defined by the Office of Education  
19 Accountability in accordance with Code Section 20-14-31 on the eighth grade  
20 criterion-referenced mathematics assessment and eighth grade criterion-referenced  
21 reading assessment developed in accordance with subsection (a) of Code Section  
22 20-2-281 and meet the promotional standards and criteria established by the State  
23 Board of Education and by the local school board for the school that the student attends;

24 (2) When a student does not perform at grade level on any criterion-referenced  
25 assessment specified in paragraph (1) of this subsection then the following shall occur:

26 (A) The student shall be given an additional opportunity to take the  
27 criterion-referenced assessment or an alternative assessment instrument that is  
28 appropriate for the student's grade level as provided for by the State Board of  
29 Education and the local board of education;

30 (B) The student shall be given an opportunity for accelerated or additional instruction  
31 in the applicable subject; and

32 (C) The parent or guardian of the student shall be notified by the school principal or  
33 such official's designee regarding the student's performance below grade level on the  
34 assessment instrument, the retest to be given the student, the accelerated or additional  
35 instruction program to which the student is assigned, and the possibility that the student  
36 might be retained at the same grade level for the next school year; and

1 (3) When a student does not perform at grade level on any criterion-referenced  
2 assessment specified in paragraph (1) of this subsection and also does not perform at  
3 grade level on a second additional opportunity as provided for in paragraph (2) of this  
4 subsection then the following shall occur:

5 (A) The school principal or the principal's designee shall retain the student for the next  
6 school year except as otherwise provided in this subsection;

7 (B) The school principal or the principal's designee shall notify the parent or guardian  
8 of the student and the teacher regarding the decision to retain the student and an option  
9 of the parent, guardian, or teacher to appeal the decision to retain the student;

10 (C) If the parent, guardian, or teacher appeals the decision to retain the student, then  
11 the school principal or designee shall establish a promotion/retention committee  
12 composed of the principal or the principal's designee, the student's parent or guardian,  
13 and the teacher of the subject of the assessment instrument on which the student failed  
14 to perform at grade level and shall notify the parent or guardian of the time and place  
15 for convening the promotion/retention committee;

16 (D) The promotion/retention committee shall:

17 (i) Review the overall academic achievement of the student in light of the  
18 performance on the criterion-referenced assessment and the standards and criteria as  
19 adopted by the local board of education and make a determination to promote or  
20 retain. A decision to promote must be a unanimous decision and must determine that  
21 if promoted and given accelerated or additional instruction during the next year, the  
22 student is likely to perform at grade level as defined by the Office of Education  
23 Accountability in accordance with Code Section 20-14-31 by the conclusion of the  
24 school year; and

25 (ii) Prescribe for the student, whether the student is retained or promoted, such  
26 accelerated or additional instruction as needed to perform at grade level by the  
27 conclusion of the subsequent school year, prescribe such additional assessments as  
28 may be appropriate in addition to assessments administered to other students at the  
29 grade level during the year, and provide for a plan of continuous assessment during  
30 the subsequent school year in order to monitor the progress of the student;

31 (E) For students receiving special education or related services, the Individualized  
32 Education Plan Committee of such a student who does not perform satisfactorily on an  
33 assessment instrument specified in Code Section 20-2-283 shall determine the manner  
34 in which the student will participate in an accelerated or additional instruction program  
35 designed to improve performance on such assessment instrument and shall, together  
36 with the promotion/retention committee as may be required, decide whether the student  
37 will be promoted or retained under this Code section; and

1 (F) The decision of the promotion/retention committee may be appealed only as  
2 provided for by the local board of education.

3 (c) This Code section does not preclude the retention by the school principal or the  
4 principal's designee of a student who performs satisfactorily on the criterion-referenced  
5 assessments specified in paragraph (1) of subsection (b) of this Code section as provided  
6 for by the local board of education.

7 (d) This Code section does not create a property interest in promotion.

8 (e) The State Board of Education shall establish policies and procedures for  
9 implementation of this Code section.

10 20-2-284.

11 (a) No later than July 1, 2003, each local board of education shall develop and adopt a  
12 placement and promotion policy in accordance with the criteria established by the State  
13 Board of Education as provided in Code Section 20-2-283 and consistent with the Georgia  
14 Academic Placement and Promotion Policy.

15 (b) Except for those criterion-referenced assessments specified in Code Section 20-2-283,  
16 the placement and promotion policy as developed and adopted by each local board of  
17 education shall state how the criterion-referenced competency tests administered under  
18 20-2-281 for grades one through eight will be weighted or otherwise utilized by the school  
19 principal or the principal's designee in determining the overall academic achievement of  
20 a student and an appropriate plan of accelerated instruction, placement, promotion, or  
21 retention of a student.

22 (c) To assist each local board of education, the State Board of Education shall develop a  
23 model placement and promotion policy which may be utilized by a local board of  
24 education.

25 20-2-285.

26 The State Board of Education shall provide for a timetable of implementation of this Code  
27 section and the Georgia Academic Placement and Promotion Policy which shall include:

- 28 (1) The third grade beginning with the 2003-2004 school year;  
29 (2) The fifth grade beginning with the 2004-2005 school year; and  
30 (3) The eighth grade beginning with the 2005-2006 school year."

31 **SECTION 16.**

32 Said chapter is further amended by striking subsections (b) and (c) of Code Section 20-2-290,  
33 relating to organization of schools, and inserting in lieu thereof the following:

1 "(b) Beginning with the 2001-2002 school year, local boards of education shall schedule  
2 each middle school so as to provide a the following:

3 (1) A minimum of five hours of instruction in English and language arts, reading,  
4 mathematics, science, social studies, and such other academic subjects as the State Board  
5 of Education shall prescribe ~~and an interdisciplinary team of academic teachers with~~  
6 ~~common planning time of between 55 minutes and 85 minutes. Funds earned above the~~  
7 ~~funding class size for the middle school program may be used by the local board of~~  
8 ~~education to fund additional planning time above 55 minutes, provided that, for the~~  
9 ~~2000-2001 school year, such funds earned above the funding class size for the middle~~  
10 ~~school program shall be expended in conjunction with state appropriation for such~~  
11 ~~planning time to provide for not less than 85 minutes of planning time. Without limiting~~  
12 ~~the choices, the local board shall have the authority to schedule exploratory and physical~~  
13 ~~education classes for the remainder of the school day. For students not performing on~~  
14 ~~grade level, as defined by the Office of Education Accountability, the additional time~~  
15 ~~shall be designated for academic instruction~~ minimum of five hours shall include such  
16 remedial academic instruction in English and language arts, reading, mathematics,  
17 science, or social studies as required to bring such students to grade level performance  
18 with the priority for such remediation being placed on reading and mathematics or as  
19 otherwise determined by the student's team of academic teachers; For students  
20 performing at or above grade level, such additional time may be used to further advance  
21 the student or to instruct in other academic subjects such as foreign language. A student  
22 who is performing at or above grade level shall be allowed to take additional academic  
23 classes instead of exploratory classes if the parent or guardian of such a student requests  
24 such assignment, subject to available space. Until implementation of accountability  
25 standards by the Office of Education Accountability, for any middle school with a  
26 combined total of 65 percent scoring good or very good in the previous school year on  
27 the first administration of the state eighth grade writing assessment and at the sixty-fifth  
28 percentile or above on the Iowa Test of Basic Skills eighth grade composite score, the  
29 local board is authorized to allow for a school day of a minimum of four and one-half  
30 hours of academic instruction. After the implementation of the accountability standards  
31 by the Office of Education Accountability, for any middle school scoring an A or B on  
32 the absolute student achievement standard, the local board is authorized to allow for a  
33 school day of a minimum of four and one-half hours of academic instruction.

34 (2) Beyond the minimum of five hours of academic instruction, the local board shall  
35 have the authority to schedule for the remainder of the day such academic or exploratory  
36 classes as the State Board of Education shall prescribe; provided, however, that a student

1 shall be allowed to take additional academic classes instead of exploratory classes if the  
 2 parent or guardian of such a student requests such assignment, subject to availability; and  
 3 (3) An interdisciplinary team of academic teachers with common planning time of a  
 4 minimum of 55 minutes.

5 (c) Local school systems shall comply with ~~this~~ subsection (b) of this Code section in  
 6 order to qualify for the middle ~~grades~~ school program.

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

#### 10 SECTION 17.

11 Said chapter is further amended by inserting in Code Section 20-2-292, relating to sparsity  
 12 grants, a new subsection to be designated subsection (d) to read as follows:

13 "(d) Beginning with the 2001-2002 school year, a school system may be eligible to receive  
 14 a sparsity grant to supplement funding for alternative education programs operated  
 15 pursuant to Code Section 20-2-154.1. Funds shall be distributed based on rules and  
 16 regulations adopted by the State Board of Education subject to appropriation by the  
 17 General Assembly."

#### 18 SECTION 18.

19 Chapter 3 of Title 20, relating to postsecondary education, is amended in Code Section  
 20 20-3-519.3, relating to eligibility requirements for HOPE scholarships for a student attending  
 21 a private postsecondary institution, by striking paragraph (2) of subsection (d) and subsection  
 22 (e) and inserting in lieu thereof the following:

23 "(2) Meet achievement standards by meeting the following criteria:

24 ~~(A) Having met all achievement standards for HOPE eligibility in his or her junior~~  
 25 ~~year;~~

26 ~~(B)~~(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
 27 institution at the end of the quarter or semester in which the student has attempted 135  
 28 quarter hours or 90 semester hours; and

29 ~~(C)~~(B) Maintaining satisfactory academic progress in a course of study in accordance  
 30 with the standards and practices used for federal Title IV programs by the  
 31 postsecondary institution in which the student is enrolled; and"

32 ~~"(e) An otherwise eligible student who fails to maintain a cumulative grade point average~~  
 33 ~~of at least 3.0 at the end of the quarter or semester in which the student has attempted 45~~  
 34 ~~quarter hours or 30 semester hours may attend the next 45 quarter hours or 30 semester~~  
 35 ~~hours without a HOPE scholarship. A student who regains a cumulative grade point~~

1 ~~average of at least 3.0 at end of the quarter or semester in which the student has attempted~~  
2 ~~90 quarter hours or 60 semester hours may requalify for a HOPE scholarship Reserved.~~"

3 **SECTION 19.**

4 Said chapter is further amended in Code Section 20-3-519.12, relating to PROMISE II  
5 teacher's scholarships, by striking subsection (d) and inserting in lieu thereof the following:

6 "(d) A PROMISE II teacher's scholarship may be applied toward no more than 30  
7 semester or 45 quarter hours of study and may be used no later than June 30, 2003."

8 **SECTION 20.**

9 Subsections (h) and (j) of Code Section 20-2-260, as amended by Section 12 of this Act, shall  
10 be repealed automatically in their entirety on June 30, 2009, and the text of such subsections  
11 shall on that date be replaced by "Reserved."

12 **SECTION 21.**

13 An Act approved April 22, 1999 (Ga. L. 1999, p. 400), is amended by striking in its entirety  
14 Section 2 and inserting in lieu thereof a new Section 2 to read as follows:

15 "SECTION 2.

16 This Act shall become effective upon its approval by the Governor or upon its becoming law  
17 without such approval and shall be automatically repealed on June 30, 2009."

18 **SECTION 22.**

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