

The House Committee on Education offers the following substitute to HB 656:

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, designating, and using funds
12 for 20 days of additional instruction for 10 percent of the full-time equivalent count of
13 students; to delete a provision for funding laboratory supervisors for the vocational
14 laboratory program; to provide for instructional aides for kindergarten and kindergarten early
15 intervention; to provide that such aides shall not be used to increase the maximum class size
16 in kindergarten; to limit the maximum class size for kindergarten to no more than 20 percent
17 over the funding ratio; to authorize state payment of a portion of the national certification
18 program participation fee prior to certification for certain teachers; to provide for repayment
19 to the state of such state payment in certain circumstances; to delete a requirement for paying
20 the state supplement to principals in a single separate payment; to extend grants for extended
21 day program to students in grades six through 12; to change provisions relating to capital
22 outlay funds; to provide for the use of state capital outlay funds for construction projects that
23 serve cooperative efforts between local school systems and postsecondary institutions; to
24 change the method of calculating the required local participation and provide an incentive
25 for school systems to use prototypical designs and have projects managed under the direction
26 of the Georgia State Financing and Investment Commission; to increase the maximum
27 amount of annual authorization by the State Board of Education; to change provisions
28 relating to annual debt service and local funds contributed in excess of required local

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

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

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

26 "20-2-153.

27 The State Board of Education shall create ~~a special instructional assistance~~ an early
 28 intervention program to assist students with identified developmental deficiencies which
 29 are likely to result in problems in maintaining a level of performance consistent with
 30 expectations for their respective ages. The kindergarten early intervention program shall
 31 serve students enrolled in kindergarten. The primary grades early intervention program
 32 shall serve students enrolled in grades one through three. The upper elementary grades
 33 early intervention program shall serve students in grades four through five. Only students
 34 ~~enrolled in grades kindergarten through five~~ with documented developmental levels below
 35 expectations for their respective ages ~~that are not attributable to an identified disabling~~

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

1 operation shall be allocated only on the basis of the documented actual number of students
 2 being served during the initial year. For the second year of operation and thereafter, the
 3 amount of funds appropriated and allocated for this program shall be based on the actual
 4 count of students served during the preceding year. In the event that insufficient funds are
 5 appropriated by the General Assembly to serve all eligible students in this program, any
 6 funds which are appropriated shall be directed toward addressing the needs of the most
 7 needy eligible students in each local school system as identified by the local board of
 8 education in each local system the number of students served in the early intervention
 9 program as part of the full-time equivalent program count conducted pursuant to Code
 10 Section 20-2-160."

11 SECTION 2.

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

14 "20-2-154.

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

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

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

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

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

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

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

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

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

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

1 (2) Students in ~~grades four and five and~~ grades nine through 12 who are receiving
 2 services under the special education program as authorized by Code Section 20-2-152 and
 3 whose Individualized Education Programs (IEP's) specify that they meet the eligibility
 4 requirements specified in paragraph (1) of this subsection and that their special education
 5 program is not designed to address their respective reading, mathematics, or writing
 6 deficiencies.

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

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

32 SECTION 3.

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

35 "(h) For the 2000-2001 and 2001-2002 school year years, state funding of alternative
 36 education programs shall be based upon a full-time equivalent program count that equals

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

SECTION 4.

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

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

SECTION 5.

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

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

(1) Kindergarten program	1.3405
	<u>1.6226</u>
	weight and
	1 to 15
	ratio

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

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

1	(14) <u>(15)</u> Program for persons with disabilities:	
2	Category V	2.4136
3		<u>2.4233</u>
4		weight and
5		1 to 8
		ratio
6	(15) <u>(16)</u> Program for intellectually gifted students:	
7	Category VI	1.6255
8		<u>1.6340</u>
9		weight and
10		1 to 12
		ratio
11	(16) <u>(17)</u> Remedial education program	1.2864
12		<u>1.2917</u>
13		weight and
14		1 to 15
		ratio
15	(17) <u>(18)</u> Alternative education program	1.5613
16		<u>1.5683</u>
17		weight and
18		1 to 15
		ratio
19	(18) <u>(19)</u> English for speakers of other languages (ESOL) program	2.4317
20		<u>2.4521</u>
21		weight and
22		1 to 7
		ratio"

SECTION 6.

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

"20-2-181.

The calculation of all program weights shall reflect a base size local school system of 3,300 full-time equivalent students. The calculation of program weights for the kindergarten program, the kindergarten early intervention program, the primary grades (1-3) early

1 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)
 2 early intervention program, and the upper elementary grades (4-5) program shall reflect a
 3 base school size of 450 full-time equivalent students. The calculation of program weights
 4 for the middle grades (6-8) program, the middle school (6-8) program, the special
 5 education programs, the remedial education program, and the English for speakers of other
 6 languages program shall reflect a base school size of 624 full-time equivalent students. The
 7 calculation of the program weights for the high school general education program and the
 8 high school vocational laboratory program shall reflect a base school size of 970 full-time
 9 equivalent students. The calculation of program weights for the alternative education
 10 program shall reflect a base school size of 100 full-time equivalent students, except that the
 11 calculations for secretaries and media personnel shall reflect a base school size of 624
 12 full-time equivalent students."

13 SECTION 7.

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

17 "20-2-182.

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

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

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

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

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

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

11 ~~(f) The program weights for the vocational laboratory program, when multiplied by the~~
 12 ~~base amount, shall reflect sufficient funds to pay the beginning salaries of laboratory~~
 13 ~~supervisors in such program Reserved.~~

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

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

31 (h) All program weights, when multiplied by the base amount, shall reflect, whenever they
 32 are revised pursuant to subsection (f) of Code Section 20-2-161, an amount of funds for the
 33 purpose of providing staff and professional development to certificated and classified
 34 personnel and local school board members which shall be at least equivalent to 1.5 percent
 35 of salaries of all certificated professional personnel used in the development of each
 36 respective program weight, subject to appropriation by the General Assembly. Funds used
 37 for professional or staff development purposes may be used throughout the fiscal year,

1 including days when students are not present at school, to meet professional or staff
2 development needs in the order of priority determined by the local board of education
3 within the comprehensive professional and staff development program plan approved by
4 the State Board of Education pursuant to Code Section 20-2-232. Such professional and
5 staff development program plan shall address deficiencies of certificated personnel as
6 identified by evaluations required under Code Section 20-2-210. Where possible,
7 professional and staff development funds shall be used for activities that enhance the skills
8 of certificated personnel and directly relate to student achievement. Subsequent certificated
9 personnel evaluations shall include an assessment of an employee's professional and staff
10 development activities and their effect on identified deficiencies and student achievement.
11 Funds for professional development purposes may be used for activities occurring at any
12 time during the fiscal year outside of an employee's normal contract hours.

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

1 result in a fractional full-time equivalent shall be rounded up to the nearest whole number
 2 as needed. The middle school program shall use the teacher-student ratio of the middle
 3 grades program for the purpose of this subsection. The number of students taught by a
 4 teacher at any time after the first 15 school days of a school year may not exceed the
 5 maximum such number unless authorization for a specific larger number is requested of
 6 the state board, along with the educational justification for granting the requested
 7 exemption, and the state board has approved said request. The state board shall not reduce
 8 class sizes without the authorization of the General Assembly, if this reduction necessitates
 9 added costs for facilities, personnel, and other program needs. Local boards of education
 10 may reduce class sizes, build additional facilities, and provide other resources at local cost
 11 if such actions are in the best interest of the local school systems' programs as determined
 12 by the local boards of education."

13 SECTION 8.

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

16 "20-2-184.1.

17 The program weights for the kindergarten, kindergarten early intervention, primary,
 18 primary grades early intervention, upper elementary, upper elementary grades early
 19 intervention, middle grades, middle school, and remedial programs and the program
 20 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 21 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 22 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 23 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 24 funds shall be used for addressing the academic needs of low-performing students with
 25 programs including, but not limited to, instructional opportunities for students beyond the
 26 regular school day, Saturday classes, intersession classes, and summer school classes.
 27 Following the midterm adjustment, the state board shall issue allotment sheets for each
 28 local school system. Each local school system shall spend 100 percent of the funds
 29 designated for additional days of instruction for such costs."

30 SECTION 9.

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

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

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

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

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

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

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

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

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

23 **SECTION 10.**

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

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

SECTION 11.

Said chapter is further amended by striking Code Section 20-2-259, relating to grants for extended day programs, and inserting in lieu thereof the following:

"20-2-259.

The State Board of Education shall establish an extended day program for students in grades ~~nine~~ six through 12. Subject to appropriation by the General Assembly, funding for extended day services shall be provided to local school systems through grants calculated as follows:

(1) Divide the salary amount for an administrator, as calculated on a ten-month basis, by the base size for the high school general education program ~~(9-12)~~ (6-12); and

(2) Multiply the amount calculated in paragraph (1) of this Code section by the sum of the full-time equivalent program count for the high school general education program ~~(9-12)~~ (6-12) and the vocational laboratory program ~~(9-12)~~ (6-12).

Each year the state board shall request funds sufficient to provide for the development and supervision of an extended day program during the regular school year."

SECTION 12.

Said chapter is further amended in Code Section 20-2-260, relating to capital outlay funds, by striking subsections (b), (c), (e), (f), (g), (h), 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.

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

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

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

15 (7.1) 'Exceptional growth' means that growth experienced by an exceptional growth
 16 system under the calculations specified in subparagraph (j)(2)(A) of this Code section.

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

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

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

25 (11) 'Local wealth factor' is defined as the average of the property tax wealth factor and
 26 the sales tax wealth factor. The property tax wealth factor is determined by dividing the
 27 local school system's net equalized adjusted property tax digest per weighted full-time
 28 equivalent student by the state-wide net equalized adjusted property tax digest per
 29 weighted full-time equivalent student. The sales tax wealth factor is determined by
 30 dividing the local school system's 1 percent local sales tax wealth per weighted full-time
 31 equivalent student by the state-wide 1 percent sales tax wealth per weighted full-time
 32 equivalent student.

33 ~~(10)~~(12) 'Net equalized adjusted school property tax digest' is defined as the equalized
 34 adjusted school property tax digest furnished pursuant to Code Section 48-5-274,
 35 reduced in accordance with paragraphs (1) and (2) of subsection (a) of Code Section
 36 20-2-164.

1 ~~(11)~~(13) 'Physical education facility' is defined as any facility which is designed for an
 2 instructional program in physical education and shall exclude any spectator stands,
 3 lobbies, public restrooms, concession areas, or space normally identified to serve only the
 4 interscholastic athletic program in which the school may participate.

5 ~~(12)~~(14) 'Renovation' or 'modernization' or both refers to construction projects which
 6 consist of the installation or replacement of major building components such as lighting,
 7 heating, air-conditioning, plumbing, roofing, electrical, electronic, or flooring systems;
 8 millwork; cabinet work and fixed equipment; energy retrofit packages; or room-size
 9 modifications within an existing facility, but excluding routine maintenance and repair
 10 items or operations.

11 ~~(13)~~(15) 'Required local participation' is defined as the amount of funds which must be
 12 contributed by local school systems from local funds for each construction project.

13 ~~(14)~~(16) 'Unhoused students' is defined as those students who are not housed in school
 14 facilities which are structurally sound with adequate space as defined by the state board.

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

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

22 (1) To adopt policies, guidelines, and standards for the annual physical facility and real
 23 property inventory required of each local school system. This inventory shall include, but
 24 not be limited to: parcels of land; number of educational facilities; year of construction
 25 and design; size, number, and type of construction space; amount of instructional space
 26 in permanent and temporary buildings; designations for each instructional space in
 27 permanent and temporary buildings occupied by designated state approved instructional
 28 programs, federal programs, or local programs not required by the state; local property
 29 assessment for bond purposes; outstanding school bonds and annual debt service; and
 30 buildings and facilities not in use or rented or leased to individuals or other agencies of
 31 government, or used for other than instructional programs required by this article, each
 32 identified by its current use. Department of Education staff shall annually review, certify
 33 the accuracy of, and approve each local school system's inventory;

34 (2) To adopt policies, guidelines, and standards for the educational facilities survey
 35 required of local school systems. The educational facilities survey shall be initiated by
 36 written request of a local board of education. The request may suggest the number of
 37 teams and the individuals constituting such teams to participate in the survey. However,

1 it shall be the responsibility of the Department of Education to constitute the makeup of
2 the necessary teams. Said teams shall exclude local residents; employees of the local
3 board of education, the servicing regional educational services agency, and other
4 educational centers and agencies servicing the local board; and individuals deemed
5 unacceptable by the local board. The state board shall establish and maintain
6 qualification standards for participants of survey teams. Each educational facilities
7 survey shall include, but not be limited to, an analysis of population growth and
8 development patterns; assessment of existing instructional and support space; assessment
9 of existing educational facilities; extent of obsolescence of facilities; and
10 recommendations for improvements, expansion, modernization, safety, and energy
11 retrofitting of existing educational facilities. The Department of Education staff shall
12 review and certify as to the accuracy of each educational facilities survey. The state board
13 shall approve or reject the recommendations of the survey team and shall establish appeal
14 procedures for rejected surveys;

15 (3) To adopt policies, guidelines, and standards for educational facilities construction
16 plans. Local school system facilities construction plans shall include, but not be limited
17 to, a list of construction projects currently eligible for state capital outlay funds, if any;
18 educational facilities projected for abandonment, if any; educational facilities projected
19 as needed five years hence; proposed construction projects for modernization, renovation,
20 and energy retrofitting; proposed construction projects for the purpose of consolidating
21 small, inefficient educational facilities which are less than the minimum size specified
22 in subsection (q) of this Code section; and other construction projects needed to house the
23 instructional programs authorized by provisions of this article;

24 (4) To adopt uniform rules, regulations, policies, standards, and criteria respecting all
25 location, construction, equipping, operating, maintenance, and use of educational
26 facilities as may be reasonably necessary to assure effective, efficient, and economical
27 operation of the schools and all phases of the public education program provided for
28 under the provisions of this article. Such matters shall include, but not be limited to, the
29 method, manner, type, and minimum specifications for construction and installation of
30 fixtures and equipment in educational facilities; space requirements per student; number
31 and size of classrooms; allowable construction costs based on current annual construction
32 cost data maintained by the Department of Education; and other requirements necessary
33 to ensure adequate, efficient, and economical educational facilities. The state board shall
34 adopt policies or standards which shall allow renovation costs up to the amount of new
35 construction of a replacement facility, provided that the renovated facility provides
36 comparable instructional and supportive space and has an extended life comparable to
37 that of a new facility. Except for satisfying the most recent life safety codes, facilities

1 which are undergoing renovation, modernization, or additions shall otherwise meet
2 requirements applicable to them prior to renovation, modernization, or additions,
3 provided that such additions do not increase the student capacity of the facility
4 substantially above the capacity for which it was designed;

5 (5) To develop a state-wide needs assessment for purposes of planning and developing
6 policies, anticipating state-wide needs for educational facilities, and providing assistance
7 to local school systems in developing educational facilities plans. The state-wide needs
8 assessment shall be developed from, among other sources, vital statistics published by the
9 Department of Human Resources, census data published by the Bureau of the Census,
10 local school system educational facilities and real property inventories, educational
11 facilities surveys, full-time equivalent student projection research, and educational
12 facilities construction plans; shall reflect circumstances where rapid population growth
13 is caused by factors not reflected in full-time equivalent student projection research; and
14 shall give priority to elementary school construction. In addition, the state board shall
15 develop a consistent, systematic research approach to full-time equivalent student
16 projections which will be used in the development of needs within each local unit.
17 Projections shall not be confined to full-time equivalent resident students but shall be
18 based on full-time equivalent student counts which include full-time equivalent
19 nonresident students, whether or not such full-time equivalent nonresident students attend
20 school pursuant to a contract between local school systems. The full-time equivalent
21 projection shall be calculated in accordance with subsection (m) of this Code section.
22 The survey team will use such projections in determining the improvements needed for
23 the five-year planning period. The state board shall also develop schedules for allowable
24 square footage and cost per square foot and review these schedules annually. The cost
25 estimate for each recommended improvement included in the plan shall be based on these
26 schedules. Any increase in cost or square footage for a project beyond that allowed by
27 state board schedules for such projects shall be the responsibility of the local school
28 system and shall not count toward present or future required local participation. The
29 schedules for allowable square footage and cost per square foot shall be specified in
30 regulations by the State Board of Education;

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

36 (7) To review and approve proposed sites and all architectural and engineering drawings
37 and specifications on construction projects for educational facilities to ensure compliance

1 with state standards and requirements, and inspect and approve completed construction
 2 projects financed in whole or in part with state funds, except construction projects under
 3 supervision of the Georgia State Financing and Investment Commission. The state board
 4 may designate selected local units of administration which have staff qualified for such
 5 purposes to act on behalf of the Department of Education in such inspections, when the
 6 project is not under the direction of the Georgia State Financing and Investment
 7 Commission;

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

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

16 (10) To adopt uniform rules, regulations, policies, standards, and criteria respecting all
 17 location, construction, equipping, operating, maintenance, and use of education facilities
 18 which are used as schools and that are historic landmarks and which are registered as
 19 historic landmarks with the National Register of Historic Places or the Georgia Register
 20 of Historic Places or are certified by the state historic preservation officer as eligible for
 21 such registration and the expenditure of capital outlay funds otherwise available to a
 22 school system for such purposes."

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

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

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

33 (3) To provide construction projects for new additions to existing educational facilities
 34 or relocation of existing educational facilities or portions thereof to different sites in order
 35 to house changes in the instructional program authorized and funded under provisions of
 36 this article or new educational facilities on new sites or new additions to existing ones as

1 a result of internal population shifts or changes in attendance zones within the local
2 school system;

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

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

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

18 (7) To provide construction projects to renovate or modernize facilities which are
19 historic landmarks and are registered as historic landmarks with the National Register of
20 Historic Places or the Georgia Register of Historic Places or are certified by the state
21 historic preservation officer as eligible for such registration in order to correct
22 deficiencies which produce educationally obsolete, unsafe, inaccessible, energy
23 inefficient, or unsanitary physical environments; provided, however, that local school
24 boards shall be required to use the facility which is or is eligible to be a historic landmark
25 as a public school. Notwithstanding any other provisions of this Code section and
26 without regard to location or obsolescence, the state board shall allocate funds to renovate
27 and modernize historic landmark facilities which meet the requirements of this paragraph
28 in an amount which is the lesser of the cost of new construction to replace the historic
29 landmark or the actual cost of such renovation and modernization; provided, however,
30 that the renovated facility has an extended life comparable to that of a new facility; and
31 provided, further, that the local school system shall provide the remaining necessary
32 capital outlay funds to renovate the facility in accordance with all other requirements of
33 this Code section. No lottery proceeds shall be appropriated from the Lottery for
34 Education Account to fund any project or purpose authorized by this paragraph; and
35 (8) To provide construction projects that serve cooperative efforts between local school
36 systems and postsecondary institutions.

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

3 (1) The required local participation shall be ~~25~~ no more than 20 percent nor less than 8
4 percent of the eligible project cost as ~~modified~~ determined by the local ability ratio. The
5 local ability ratio is determined by multiplying the local wealth factor by 20 percent. At
6 the time a local school system applies to use entitlement earnings, a system may earn an
7 additional 2 percent reduction in the required local participation for each new
8 construction project that uses a Georgia State Financing and Investment Commission
9 prototypical design with the project managed under the direction of the Georgia State
10 Financing and Investment Commission, and annual debt service. The local ability ratio
11 shall be determined by dividing the local school system's net equalized adjusted school
12 property tax digest per weighted full-time equivalent resident student by the state-wide
13 net equalized adjusted school property tax digest per weighted full-time equivalent
14 resident student. The resulting ratio shall be multiplied by 25 percent of the cost of the
15 eligible construction project to determine the required local participation. A local school
16 system may reduce its required local participation by an amount equal to no more than
17 75 percent of annual debt service payments of interest and principal on local bonds issued
18 for eligible construction projects. Regardless of the above, no local school system's
19 required local participation shall be less than 10 6 percent nor greater than 25 20 percent
20 of the cost of an eligible construction project except as provided in paragraph (2) of this
21 subsection; and

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

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

36 (2) In setting the annual authorization level under this subsection, the state board shall
37 consider any previously authorized but unfunded amounts together with the total estimate

1 of funds needed for school facilities in the state. Such total state facilities needs pursuant
2 to this subsection shall be computed by summing the following:

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

12 (B) The sum of the annual debt service payments for the five-year period of the latest
13 survey (that used in subparagraph (A) of this paragraph), excluding payments for
14 postsecondary facilities, athletic facilities, administrative facilities, or other projects not
15 included in the approved five-year plan pursuant to subsections (c) and (d) of this Code
16 section. Such payments shall annually be adjusted ~~downward for any portion used in~~
17 ~~lieu of required local participation as allowed in subsection (f) of this Code section and~~
18 ~~shall be adjusted~~ upward or downward for the remaining portion of the five-year period
19 for ~~increases~~ changes in the annual debt service payments resulting from local financing
20 of projects covered by the state board approved plan.

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

28 (4) In order to determine the amount of state funds to be requested for a given fiscal year
29 under this subsection, total new and accrued entitlements must be compared to the state
30 portion of the current cost estimates of the projects approved in the educational facilities
31 plan in priority order. Such comparison shall be made for each of the incremental
32 entitlement levels required in paragraph (1) of this subsection. In the event that projects
33 requested for funding exceed the total state entitlements and required local participation,
34 local school systems may elect to contribute additional local funding. Local funds
35 contributed in excess of required local participation on state eligible project costs may be
36 credited ~~as debt service credit only toward required local participation in subsequent~~
37 ~~years pursuant to paragraph (1) of subsection (f) of this Code section, provided that the~~

1 ~~requested state appropriation for this subsection shall not exceed \$100 million annually~~
 2 ~~and, if necessary, the new entitlement level shall be reduced to comply with this~~
 3 ~~limitation toward earning entitlement for state eligible project costs pursuant to~~
 4 ~~subparagraph (B) of paragraph (2) of this subsection to the extent of the state eligible~~
 5 ~~needs identified in the local facilities plan. The State Board of Education shall adopt~~
 6 ~~rules that define the conditions and the extent of the crediting of local funds contributed~~
 7 ~~toward such entitlement.~~

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

10 (h) A local school system may receive state capital outlay funds for one construction
 11 project under the advance funding category to meet educational facilities needs due to the
 12 following:

13 (1) Extraordinary growth of student population in excess of the capacity of existing
 14 facilities;

15 (2) Destruction of or damage to educational facilities by fire or natural disaster, limited
 16 by the provisions of paragraph (2) of subsection (f) of this Code section;

17 (3) Replacement of educational facilities which have been certified as hazards to health
 18 or safety;

19 (4) Projects, in priority order, which would otherwise require more than three years of
 20 the combined annual entitlement and required local participation amounts, estimated in
 21 accordance with the total entitlement intended for authorization by the State Board of
 22 Education; and

23 (5) Projects for consolidation of schools across local school system lines which have
 24 costs that exceed the combined annual entitlements of the participating local school
 25 systems. Such projects shall meet, with the exception of paragraph (2) of this subsection,
 26 the following conditions to qualify for advanced funding:

27 (A) The local school systems have specifically requested funding under this subsection
 28 prior to submission of the annual budget request for the state board to the General
 29 Assembly;

30 (B) Annual entitlements accrued under subsection (g) of this Code section have offset
 31 any advanced funding previously granted, except that no more than three years of
 32 combined entitlements of the participating local school systems shall be required to
 33 offset advance funding for consolidation projects pursuant to paragraph (5) of
 34 subsection (e) of this Code section;

35 (C) The projects to be funded are not in addition to projects funded for local school
 36 systems under the provisions of subsection (g) of this Code section in a given year; and

1 (D) The required local participation and all other procedural requirements of this Code
2 section are met."

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

11 (2) In setting the annual authorization level for exceptional growth funding, the state
12 board shall consider any previously authorized but unfunded amounts under this
13 subsection together with the total estimate of funds needed for school facilities as a result
14 of exceptional growth as computed under subparagraph (A) of this paragraph. The
15 annual entitlement for each school system experiencing exceptional growth shall be
16 computed as follows:

17 (A) The average of each school system's average full-time equivalent count for the
18 three most recently completed school years ('most recent average') will be compared
19 to the average of that system's average full-time equivalent count for the three most
20 recently completed school years prior to the most recently completed school year
21 ('earlier average'). If there is an increase in a school system's most recent average of at
22 least 1.5 percent and at least 65 average full-time equivalent counts over that system's
23 earlier average, that system will be an exceptional growth system. For each such
24 exceptional growth system with an increased average count of at least 65 average
25 full-time equivalent counts after the above calculation, the amount of such increase will
26 be divided by the total such increase for all exceptional growth systems under this
27 subsection to provide the ratio of each system's growth to the total growth of all
28 systems with exceptional growth; and

29 (B) Each of the school systems identified as being an exceptional growth system under
30 subparagraph (A) of this paragraph shall be entitled to a portion of the total entitlement
31 authorization set by the General Assembly annually for exceptional growth based on
32 each system's relative exceptional growth to the sum of exceptional growth for all
33 systems as determined in subparagraph (A) of this paragraph. The entitlement for each
34 school system shall be determined annually by multiplying each system's ratio of need
35 to the total need for exceptional growth by each of the program authorization levels
36 required in paragraph (1) of this subsection. In addition to the annual entitlement, the
37 local school system is eligible to receive any entitlement accrued under this subsection

1 from previous fiscal years for which state funds have not been received. Any method
 2 of determining entitlements in subsequent years shall in no way affect the amount of
 3 previously accrued entitlements.

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

12 (4) In order to determine the amount of state funds to be requested for a given fiscal year
 13 under this subsection, total new and accrued entitlements under this subsection must be
 14 compared to the state portion of the current cost estimates for all projects approved for
 15 exceptional growth. Such comparisons shall be made for each of the incremental
 16 entitlement levels required in paragraph (1) of this subsection. In the event that funding
 17 requested for new construction for exceptional growth exceeds the total state entitlements
 18 earned for exceptional growth and the required local participation, local school systems
 19 may elect to contribute additional local funding. Local funds contributed in excess of
 20 required local participation on state eligible project costs may be credited ~~as debt service~~
 21 ~~credit pursuant to paragraph (1) of subsection (f) toward earning entitlement for state~~
 22 eligible project costs pursuant to subparagraph (g)(2)(B) of this Code section to the extent
 23 of the state eligible needs identified in the local facilities plan. The State Board of
 24 Education shall adopt rules that define the conditions and the extent of the crediting of
 25 local funds contributed toward such entitlement.

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

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

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

34 (B) Any construction project submitted to utilize growth entitlement shall include
 35 construction of at least three new instructional units. If sufficient growth entitlement
 36 is not currently available for all of the new instructional units needed under this
 37 subsection, additional local funds or entitlements available to meet construction needs

1 identified in the school system's facilities plan pursuant to subsection (g) of this Code
 2 section may be combined with any entitlement available for exceptional growth
 3 pursuant to this subsection for the purpose of completing all construction needs
 4 identified at a school. Entitlements earned under this subsection shall not be withheld,
 5 recalculated, or otherwise reduced for any construction project approved under
 6 subsection (g) of this Code section. Exceptional growth entitlement shall be utilized
 7 for construction of new instructional units at an existing school or for new schools only
 8 for those schools which, following the completion of such construction, meet the
 9 minimum size specified in subsection (q) of this Code section. Other funding sources
 10 must be utilized for any renovation or modification activities which may be needed; and
 11 (C) The local participation required under subsection (f) of this Code section and all
 12 other procedural requirements of this Code section are met."

13 SECTION 13.

14 Said chapter is further amended by striking in its entirety Code Section 20-2-262, relating
 15 to low-wealth capital outlay grants to local school systems, and inserting in lieu thereof the
 16 following:

17 "20-2-262.

18 (a) The General Assembly finds that many local school systems in Georgia have relatively
 19 weak local tax bases and are unable to raise revenues sufficient to meet their facility needs.
 20 The General Assembly further finds that even with current levels of state capital outlay
 21 support, these systems must wait for years before they can accumulate funds to initiate
 22 construction projects that are needed immediately. For some systems, the availability of
 23 the local option sales tax does not resolve their problem, because their commercial tax base
 24 is as meager as their property wealth. The difficulty is compounded if the per capita
 25 income in the school system is low, because residents have less ability to take advantage
 26 of property tax and sales tax options to meet their facility needs. It is the intent of the
 27 General Assembly to provide for state capital outlay grants specifically targeted to
 28 low-wealth school systems, on a ~~trial~~ short-term basis, in order to help such systems initiate
 29 what they have been unable to accomplish with existing revenue sources.

30 (b) As used in this Code section, the terms 'full-time equivalent student count' and
 31 'weighted full-time equivalent student count' shall have the same meaning as provided in
 32 Code Section 20-2-260.

33 (c) The State Board of Education shall provide eligible local school systems with
 34 low-wealth capital outlay grants as provided for in this Code section, subject to
 35 appropriation by the General Assembly. Such grants shall provide sufficient funds to cover
 36 ~~90~~ 92 percent of the state eligible cost of the local school system's first priority project in

1 the five-year facilities plan, as contained in the system's most recently approved local
 2 facilities plan. A local school system may qualify for a grant not to exceed 95 percent of
 3 the state eligible cost of the local school system's first priority project in the five-year
 4 facilities plan if the system uses a Georgia State Financing and Investment Commission
 5 prototypical design with the project managed under the direction of the Georgia State
 6 Financing and Investment Commission.

7 (d) Local school systems which meet the following criteria shall be eligible for a
 8 low-wealth capital outlay grant:

9 (1) The amount of sales tax revenues per unit in the full-time equivalent student count
 10 of the local school system is less than 75 percent of the state-wide average sales tax
 11 revenues per unit in the full-time equivalent student count;

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

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

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

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

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

29 **SECTION 14.**

30 Said chapter is further amended by inserting in Part 12 of Article 6, relating to effectiveness
 31 of educational programs, new Code Sections to be designated Code Sections 20-2-282,
 32 20-2-283, 20-2-284, and 20-2-285 to read as follows:

33 "20-2-282.

34 (a) It is the policy of the State of Georgia that the placement or promotion of a student into
 35 a grade, class, or program should be based on an assessment of the academic achievement
 36 of the student and a determination of the education setting in which the student is most

1 likely to receive the instruction and other services needed in order to succeed and progress
2 to the next higher level of academic achievement.

3 (b) This policy as provided for in this Code section and Code Sections 20-2-283 through
4 20-2-285 shall be known as the 'Georgia Academic Placement and Promotion Policy.'

5 20-2-283.

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

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

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

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

19 (B) The sixth grade program to which the student would otherwise be assigned if the
20 student does not achieve grade level as defined by the Office of Education
21 Accountability in accordance with Code Section 20-14-31 on the fifth grade
22 criterion-referenced mathematics assessment and fifth grade criterion-referenced
23 reading assessment developed in accordance with subsection (a) of Code Section
24 20-2-281 and meet the promotional standards and criteria established by the State
25 Board of Education and by the local school board for the school that the student attends;
26 or

27 (C) The ninth grade program to which the student would otherwise be assigned if the
28 student does not achieve grade level as defined by the Office of Education
29 Accountability in accordance with Code Section 20-14-31 on the eighth grade
30 criterion-referenced mathematics assessment and eighth grade criterion-referenced
31 reading assessment developed in accordance with subsection (a) of Code Section
32 20-2-281 and meet the promotional standards and criteria established by the State
33 Board of Education and by the local school board for the school that the student attends;

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

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

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

7 (C) The parent or guardian of the student shall be notified in writing by certified mail
8 by the school principal or such official's designee regarding the student's performance
9 below grade level on the assessment instrument, the retest to be given the student, the
10 accelerated or additional instruction program to which the student is assigned, and the
11 possibility that the student might be retained at the same grade level for the next school
12 year; and

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

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

19 (B) The school principal or the principal's designee shall notify in writing by certified
20 mail the parent or guardian of the student and the teacher regarding the decision to
21 retain the student and an option of the parent, guardian, or teacher to appeal the decision
22 to retain the student;

23 (C) If the parent, guardian, or teacher appeals the decision to retain the student, then
24 the school principal or designee shall establish a promotion/retention committee
25 composed of the principal or the principal's designee, the student's parent or guardian,
26 and the teacher of the subject of the assessment instrument on which the student failed
27 to perform at grade level and shall notify in writing by certified mail the parent or
28 guardian of the time and place for convening the promotion/retention committee;

29 (D) The promotion/retention committee shall:

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

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

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

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

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

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

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

23 20-2-284.

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

28 (b) Except for those criterion-referenced assessments specified in Code Section 20-2-283,
 29 the placement and promotion policy as developed and adopted by each local board of
 30 education shall state how the criterion-referenced competency tests administered under
 31 20-2-281 for grades one through eight will be weighted or otherwise utilized by the school
 32 principal or the principal's designee in determining the overall academic achievement of
 33 a student and an appropriate plan of accelerated instruction, placement, promotion, or
 34 retention of a student.

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

4 20-2-285.

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

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

10 SECTION 15.

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

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

15 (1) A minimum of five hours of instruction in English and language arts, reading,
 16 mathematics, science, social studies, and such other academic subjects as the State Board
 17 of Education shall prescribe and an interdisciplinary team of academic teachers with
 18 common planning time of between 55 minutes and 85 minutes. Funds earned above the
 19 funding class size for the middle school program may be used by the local board of
 20 education to fund additional planning time above 55 minutes, provided that, for the
 21 2000-2001 school year, such funds earned above the funding class size for the middle
 22 school program shall be expended in conjunction with state appropriation for such
 23 planning time to provide for not less than 85 minutes of planning time. Without limiting
 24 the choices, the local board shall have the authority to schedule exploratory and physical
 25 education classes for the remainder of the school day. For students not performing on
 26 grade level, as defined by the Office of Education Accountability, the additional time
 27 shall be designated for academic instruction minimum of five hours shall include such
 28 remedial academic instruction in English and language arts, reading, mathematics,
 29 science, or social studies as required to bring such students to grade level performance
 30 with the priority for such remediation being placed on reading and mathematics or as
 31 otherwise determined by the student's team of academic teachers; For students
 32 performing at or above grade level, such additional time may be used to further advance
 33 the student or to instruct in other academic subjects such as foreign language. A student
 34 who is performing at or above grade level shall be allowed to take additional academic
 35 classes instead of exploratory classes if the parent or guardian of such a student requests

~~such assignment, subject to available space. Until implementation of accountability standards by the Office of Education Accountability, for any middle school with a combined total of 65 percent scoring good or very good in the previous school year on the first administration of the state eighth grade writing assessment and at the sixty-fifth percentile or above on the Iowa Test of Basic Skills eighth grade composite score, the local board is authorized to allow for a school day of a minimum of four and one-half hours of academic instruction. After the implementation of the accountability standards by the Office of Education Accountability, for any middle school scoring an A or B on the absolute student achievement standard, the local board is authorized to allow for a school day of a minimum of four and one-half hours of academic instruction.~~

(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and

(3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.

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

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

SECTION 16.

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

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

SECTION 17.

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

