

House Bill 656 (COMMITTEE SUBSTITUTE) (AM)

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, 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

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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 create the Georgia Closing the  
 12 Achievement Gap Commission and to provide for its members, purpose, authority and  
 13 duties, emphasis, reports, per diem and expenses, staff and administrative support, and  
 14 termination; to change provisions relating to schedules in middle schools; to provide for  
 15 eligibility for sparsity grants to supplement funding for certain alternative education  
 16 programs; to amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating  
 17 to postsecondary education, so as to change eligibility requirements for HOPE scholarships  
 18 for seniors attending private postsecondary institutions; to provide a time limit for using a  
 19 PROMISE II teacher's scholarship; to amend an Act approved April 22, 1999 (Ga. L. 1999,  
 20 p. 400), so as to change the date for automatic repeal of such Act, relating to low-wealth  
 21 capital outlay grants, to June 30, 2009; to provide for related matters; to repeal conflicting  
 22 laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

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

29 20-2-153.

30 The State Board of Education shall create ~~a special instructional assistance~~ an early  
 31 intervention program to assist students with identified developmental deficiencies which  
 32 are likely to result in problems in maintaining a level of performance consistent with  
 33 expectations for their respective ages. The kindergarten early intervention program shall  
 34 serve students enrolled in kindergarten. The primary grades early intervention program  
 35 shall serve students enrolled in grades one through three. The upper elementary grades

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

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

## 14 SECTION 2.

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

17 20-2-154.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **SECTION 3.**

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

3 (h) For the 2000-2001 and 2001-2002 school year years, state funding of alternative  
4 education programs shall be based upon a full-time equivalent program count that equals  
5 2.5 percent of the sum of the full-time equivalent program count for grades six through 12  
6 of the middle grades program, the middle school program as defined in Code Section  
7 20-2-290, the high school general education program (grades nine through 12), and the  
8 vocational laboratory program (grades nine through 12). For the ~~2001-2002~~ 2002-2003  
9 school year and thereafter, the amount of state funds appropriated and allocated for the  
10 alternative education program provided for in this Code section shall be based on the actual  
11 count of students served during the preceding year, except that the count of students served  
12 shall not exceed 2.5 percent of the sum of the full-time equivalent program count for grades  
13 six through 12 of the middle grades program, the middle school program as defined in  
14 Code Section 20-2-290, the high school general education program (grades nine through  
15 12), and the vocational laboratory program (grades nine through 12). Funds earned may  
16 be expended in kindergarten and in grades one through five.

#### 17 **SECTION 4.**

18 Said chapter is further amended by striking in its entirety subsection (e) of Code Section  
19 20-2-160, relating to determination of enrollment and funds to be appropriated, and inserting  
20 in lieu thereof the following:

21 (e) For purposes of calculating allotments for the instructional programs identified in  
22 paragraphs (2), (4), ~~(7), and (18)~~ (6), (8), and (19) of subsection (b) of Code Section  
23 20-2-161, for which the full-time equivalent program counts provided for in subsections  
24 (a) through (d) of this Code section do not exist, the most recent full-time equivalent  
25 program count shall be used until such time as the full-time equivalent program counts  
26 provided for in subsections (a) through (d) of this Code section do exist.

#### 27 **SECTION 5.**

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

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

1	(1) Kindergarten program .....	<del>1.3405</del>
2		<u>1.6226</u>
3		weight and
4		1 to 15
		ratio
5	(2) Kindergarten early intervention program .....	<del>1.7082</del>
6		<u>1.9952</u>
7		weight and
8		1 to 11
		ratio
9	(3) Primary grades program (1-3) .....	<del>1.2689</del>
10		<u>1.2686</u>
11		weight and
12		1 to 17
		ratio
13	(4) Primary grades early intervention program (1-3) .....	<del>1.7556</del>
14		<u>1.7617</u>
15		weight and
16		1 to 11
		ratio
17	(5) Upper elementary grades program (4-5) .....	<del>1.0289</del>
18		<u>1.0258</u>
19		weight and
20		1 to 23
		ratio
21	<u>(6) Upper elementary grades early intervention program (4-5) .....</u>	<u>1.7549</u>
22		<u>weight and</u>
23		<u>1 to 11</u>
24		<u>ratio</u>
25	<del>(6)</del> <u>(7)</u> Middle grades program (6-8) .....	<del>1.0218</del>
26		<u>1.0102</u>
27		weight and
28		1 to 23
		ratio

1	<del>(7)</del> <u>(8)</u> Middle school program (6-8) as defined in Code Section 20-2-290 .	<del>1.1196</del>
2		<u>1.1104</u>
3		weight and
4		1 to 20
		ratio
5	<del>(8)</del> <u>(9)</u> High school general education program (9-12) . . . . .	1.0000
6		weight and
7		1 to 23
8		ratio
9	<del>(9)</del> <u>(10)</u> Vocational laboratory program (9-12) . . . . .	<del>1.2052</del>
10		<u>1.2010</u>
11		weight and
12		1 to 20
		ratio
13	<del>(10)</del> <u>(11)</u> Program for persons with disabilities:	
14	Category I . . . . .	<del>2.3272</del>
15		<u>2.3409</u>
16		weight and
17		1 to 8
		ratio
18	<del>(11)</del> <u>(12)</u> Program for persons with disabilities:	
19	Category II . . . . .	<del>2.7111</del>
20		<u>2.7330</u>
21		weight and
22		1 to 6.5
		ratio
23	<del>(12)</del> <u>(13)</u> Program for persons with disabilities:	
24	Category III . . . . .	<del>3.4485</del>
25		<u>3.4778</u>
26		weight and
27		1 to 5
		ratio

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1	<del>(13)</del> <u>(14)</u> Program for persons with disabilities:	
2	Category IV .....	<del>5.5742</del>
3		<u>5.6253</u>
4		weight and
5		1 to 3
		ratio
6	<del>(14)</del> <u>(15)</u> Program for persons with disabilities:	
7	Category V .....	<del>2.4136</del>
8		<u>2.4233</u>
9		weight and
10		1 to 8
		ratio
11	<del>(15)</del> <u>(16)</u> Program for intellectually gifted students:	
12	Category VI .....	<del>1.6255</del>
13		<u>1.6340</u>
14		weight and
15		1 to 12
		ratio
16	<del>(16)</del> <u>(17)</u> Remedial education program .....	<del>1.2864</del>
17		<u>1.2917</u>
18		weight and
19		1 to 15
		ratio
20	<del>(17)</del> <u>(18)</u> Alternative education program .....	<del>1.5613</del>
21		<u>1.5683</u>
22		weight and
23		1 to 15
		ratio
24	<del>(18)</del> <u>(19)</u> English for speakers of other languages (ESOL) program .....	<del>2.4317</del>
25		<u>2.4521</u>
26		weight and
27		1 to 7
		ratio

28 **SECTION 6.**

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

4 20-2-181.

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

20

#### SECTION 7.

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

24 20-2-182.

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

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

34 (c) The program weights for the kindergarten, kindergarten early intervention, primary,  
 35 primary grades early intervention, upper elementary, upper elementary grades early  
 36 intervention, middle grades, middle school, and alternative education programs and the

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

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

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

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

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

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

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

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

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

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

20

**SECTION 8.**

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

23 20-2-184.1.

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

**SECTION 9.**

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

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

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

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

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

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

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

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

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

**SECTION 10.**

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

The State Board of Education shall establish a salary schedule for school principals that includes a supplement amount for each principal. The amount of the supplement shall be based on the amount appropriated by the General Assembly for this purpose each year divided by the total weighted full-time equivalent count for the state. The amount for each

1 principal shall be determined by multiplying the amount per weighted full-time equivalent  
 2 count by the weighted full-time equivalent count for each school. Local school systems  
 3 shall pay this supplement to each local school principal ~~in one separate payment each~~  
 4 ~~school year.~~

#### 5 **SECTION 11.**

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

8 20-2-259.

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

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

15 (2) Multiply the amount calculated in paragraph (1) of this Code section by the sum of  
 16 the full-time equivalent program count for the high school general education program  
 17 ~~(9-12)~~ (6-12) and the vocational laboratory program ~~(9-12)~~ (6-12).

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

#### 20 **SECTION 12.**

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

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

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

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

32 (3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result  
 33 in the acquisition of fixed assets, existing buildings, improvements to sites, construction  
 34 of buildings, construction of additions to buildings, retrofitting of existing buildings for

1 energy conservation, and initial and additional equipment and furnishings for educational  
2 facilities.

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

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

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

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

21 (7.1) 'Exceptional growth' means that growth experienced by an exceptional growth  
22 system under the calculations specified in subparagraph (j)(2)(A) of this Code section.

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

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

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

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

1 equivalent student by the state-wide 1 percent sales tax wealth per weighted full-time  
 2 equivalent student.

3 ~~(10)~~(12) 'Net equalized adjusted school property tax digest' is defined as the equalized  
 4 adjusted school property tax digest furnished pursuant to Code Section 48-5-274,  
 5 reduced in accordance with paragraphs (1) and (2) of subsection (a) of Code Section  
 6 20-2-164.

7 ~~(11)~~(13) 'Physical education facility' is defined as any facility which is designed for an  
 8 instructional program in physical education and shall exclude any spectator stands,  
 9 lobbies, public restrooms, concession areas, or space normally identified to serve only the  
 10 interscholastic athletic program in which the school may participate.

11 ~~(12)~~(14) 'Renovation' or 'modernization' or both refers to construction projects which  
 12 consist of the installation or replacement of major building components such as lighting,  
 13 heating, air-conditioning, plumbing, roofing, electrical, electronic, or flooring systems;  
 14 millwork; cabinet work and fixed equipment; energy retrofit packages; or room-size  
 15 modifications within an existing facility, but excluding routine maintenance and repair  
 16 items or operations.

17 ~~(13)~~(15) 'Required local participation' is defined as the amount of funds which must be  
 18 contributed by local school systems from local funds for each construction project.

19 ~~(14)~~(16) 'Unhoused students' is defined as those students who are not housed in school  
 20 facilities which are structurally sound with adequate space as defined by the state board.

21 ~~(15)~~(17) 'Weighted full-time equivalent student count' is defined as the average weighted  
 22 full-time equivalent count as defined in paragraph (3) of subsection (a) of Code Section  
 23 20-2-165.

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

28 (1) To adopt policies, guidelines, and standards for the annual physical facility and real  
 29 property inventory required of each local school system. This inventory shall include, but  
 30 not be limited to: parcels of land; number of educational facilities; year of construction  
 31 and design; size, number, and type of construction space; amount of instructional space  
 32 in permanent and temporary buildings; designations for each instructional space in  
 33 permanent and temporary buildings occupied by designated state approved instructional  
 34 programs, federal programs, or local programs not required by the state; local property  
 35 assessment for bond purposes; outstanding school bonds and annual debt service; and  
 36 buildings and facilities not in use or rented or leased to individuals or other agencies of  
 37 government, or used for other than instructional programs required by this article, each

1 identified by its current use. Department of Education staff shall annually review, certify  
2 the accuracy of, and approve each local school system's inventory;

3 (2) To adopt policies, guidelines, and standards for the educational facilities survey  
4 required of local school systems. The educational facilities survey shall be initiated by  
5 written request of a local board of education. The request may suggest the number of  
6 teams and the individuals constituting such teams to participate in the survey. However,  
7 it shall be the responsibility of the Department of Education to constitute the makeup of  
8 the necessary teams. Said teams shall exclude local residents; employees of the local  
9 board of education, the servicing regional educational services agency, and other  
10 educational centers and agencies servicing the local board; and individuals deemed  
11 unacceptable by the local board. The state board shall establish and maintain  
12 qualification standards for participants of survey teams. Each educational facilities  
13 survey shall include, but not be limited to, an analysis of population growth and  
14 development patterns; assessment of existing instructional and support space; assessment  
15 of existing educational facilities; extent of obsolescence of facilities; and  
16 recommendations for improvements, expansion, modernization, safety, and energy  
17 retrofitting of existing educational facilities. The Department of Education staff shall  
18 review and certify as to the accuracy of each educational facilities survey. The state board  
19 shall approve or reject the recommendations of the survey team and shall establish appeal  
20 procedures for rejected surveys;

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

30 (4) To adopt uniform rules, regulations, policies, standards, and criteria respecting all  
31 location, construction, equipping, operating, maintenance, and use of educational  
32 facilities as may be reasonably necessary to assure effective, efficient, and economical  
33 operation of the schools and all phases of the public education program provided for  
34 under the provisions of this article. Such matters shall include, but not be limited to, the  
35 method, manner, type, and minimum specifications for construction and installation of  
36 fixtures and equipment in educational facilities; space requirements per student; number  
37 and size of classrooms; allowable construction costs based on current annual construction

1 cost data maintained by the Department of Education; and other requirements necessary  
2 to ensure adequate, efficient, and economical educational facilities. The state board shall  
3 adopt policies or standards which shall allow renovation costs up to the amount of new  
4 construction of a replacement facility, provided that the renovated facility provides  
5 comparable instructional and supportive space and has an extended life comparable to  
6 that of a new facility. Except for satisfying the most recent life safety codes, facilities  
7 which are undergoing renovation, modernization, or additions shall otherwise meet  
8 requirements applicable to them prior to renovation, modernization, or additions,  
9 provided that such additions do not increase the student capacity of the facility  
10 substantially above the capacity for which it was designed;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (7) To provide construction projects to renovate or modernize facilities which are  
26 historic landmarks and are registered as historic landmarks with the National Register of  
27 Historic Places or the Georgia Register of Historic Places or are certified by the state  
28 historic preservation officer as eligible for such registration in order to correct  
29 deficiencies which produce educationally obsolete, unsafe, inaccessible, energy  
30 inefficient, or unsanitary physical environments; provided, however, that local school  
31 boards shall be required to use the facility which is or is eligible to be a historic landmark  
32 as a public school. Notwithstanding any other provisions of this Code section and  
33 without regard to location or obsolescence, the state board shall allocate funds to renovate  
34 and modernize historic landmark facilities which meet the requirements of this paragraph  
35 in an amount which is the lesser of the cost of new construction to replace the historic  
36 landmark or the actual cost of such renovation and modernization; provided, however,  
37 that the renovated facility has an extended life comparable to that of a new facility; and

1 provided, further, that the local school system shall provide the remaining necessary  
 2 capital outlay funds to renovate the facility in accordance with all other requirements of  
 3 this Code section. No lottery proceeds shall be appropriated from the Lottery for  
 4 Education Account to fund any project or purpose authorized by this paragraph; and  
 5 (8) To provide construction projects that serve cooperative efforts between local school  
 6 systems and postsecondary institutions.

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

9 (1) The required local participation shall be ~~25~~ no more than 20 percent ~~nor less than 8~~  
 10 ~~percent~~ of the eligible project cost as ~~modified~~ determined by the local ability ratio. The  
 11 local ability ratio is determined by multiplying the local wealth factor by 20 percent. At  
 12 the time a local school system applies to use entitlement earnings, a system may earn an  
 13 additional 2 percent reduction in the required local participation for each new  
 14 construction project that uses a Georgia State Financing and Investment Commission  
 15 prototypical design with the project managed under the direction of the Georgia State  
 16 Financing and Investment Commission, and annual debt service. The local ability ratio  
 17 shall be determined by dividing the local school system's net equalized adjusted school  
 18 property tax digest per weighted full-time equivalent resident student by the state-wide  
 19 net equalized adjusted school property tax digest per weighted full-time equivalent  
 20 resident student. The resulting ratio shall be multiplied by 25 percent of the cost of the  
 21 eligible construction project to determine the required local participation. A local school  
 22 system may reduce its required local participation by an amount equal to no more than  
 23 75 percent of annual debt service payments of interest and principal on local bonds issued  
 24 for eligible construction projects. Regardless of the above, no local school system's  
 25 required local participation shall be less than ~~10~~ 6 percent nor greater than ~~25~~ 20 percent  
 26 of the cost of an eligible construction project except as provided in paragraph (2) of this  
 27 subsection; and

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

30 (g)(1) In order to determine a reasonable total funding level for the purposes stated in  
 31 subsection (e) of this Code section, excluding funds provided for exceptional growth  
 32 pursuant to subsection (j) of this Code section, and to establish a fair and equitable  
 33 distribution of funds to local school systems, the State Board of Education shall annually  
 34 determine a level of authorization. For a given fiscal year Starting with fiscal year 2003  
 35 applications for funds and for each fiscal year thereafter, the new authorization level may  
 36 equal zero but shall not exceed \$~~100~~ \$200 million, adjusted annually to reflect the  
 37 changes in the current annual construction cost data maintained by the Department of

1 Education pursuant to paragraph (4) of subsection (c) of this Code section. For purposes  
 2 of deliberations with the Governor and the General Assembly regarding the amount of  
 3 state funds to be appropriated, calculations shall be made for at least three levels below  
 4 the ~~\$100~~ \$200 million maximum authorization, adjusted as specified in this paragraph.

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

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

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

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

34 (4) In order to determine the amount of state funds to be requested for a given fiscal year  
 35 under this subsection, total new and accrued entitlements must be compared to the state  
 36 portion of the current cost estimates of the projects approved in the educational facilities  
 37 plan in priority order. Such comparison shall be made for each of the incremental

entitlement levels required in paragraph (1) of this subsection. In the event that projects requested for funding exceed the total state entitlements and required local participation, local school systems may elect to contribute additional local funding. Local funds contributed in excess of required local participation on state eligible project costs may be credited ~~as debt service credit only toward required local participation in subsequent years pursuant to paragraph (1) of subsection (f) of this Code section, provided that the requested state appropriation for this subsection shall not exceed \$100 million annually and, if necessary, the new entitlement level shall be reduced to comply with this limitation~~ toward earning entitlement for state eligible project costs pursuant to subparagraph (B) of paragraph (2) of this subsection to the extent of the state eligible needs identified in the local facilities plan. The State Board of Education shall adopt rules that define the conditions and the extent of the crediting of local funds contributed toward such entitlement.

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

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

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

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

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

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

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

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

(B) Annual entitlements accrued under subsection (g) of this Code section have offset any advanced funding previously granted, except that no more than three years of

1 combined entitlements of the participating local school systems shall be required to  
2 offset advance funding for consolidation projects pursuant to paragraph (5) of  
3 subsection (e) of this Code section;

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

6 (D) The required local participation and all other procedural requirements of this Code  
7 section are met.

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

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

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

34 (B) Each of the school systems identified as being an exceptional growth system under  
35 subparagraph (A) of this paragraph shall be entitled to a portion of the total entitlement  
36 authorization set by the General Assembly annually for exceptional growth based on  
37 each system's relative exceptional growth to the sum of exceptional growth for all

1 systems as determined in subparagraph (A) of this paragraph. The entitlement for each  
2 school system shall be determined annually by multiplying each system's ratio of need  
3 to the total need for exceptional growth by each of the program authorization levels  
4 required in paragraph (1) of this subsection. In addition to the annual entitlement, the  
5 local school system is eligible to receive any entitlement accrued under this subsection  
6 from previous fiscal years for which state funds have not been received. Any method  
7 of determining entitlements in subsequent years shall in no way affect the amount of  
8 previously accrued entitlements.

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

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

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

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

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

4 (B) Any construction project submitted to utilize growth entitlement shall include  
5 construction of at least three new instructional units. If sufficient growth entitlement  
6 is not currently available for all of the new instructional units needed under this  
7 subsection, additional local funds or entitlements available to meet construction needs  
8 identified in the school system's facilities plan pursuant to subsection (g) of this Code  
9 section may be combined with any entitlement available for exceptional growth  
10 pursuant to this subsection for the purpose of completing all construction needs  
11 identified at a school. Entitlements earned under this subsection shall not be withheld,  
12 recalculated, or otherwise reduced for any construction project approved under  
13 subsection (g) of this Code section. Exceptional growth entitlement shall be utilized  
14 for construction of new instructional units at an existing school or for new schools only  
15 for those schools which, following the completion of such construction, meet the  
16 minimum size specified in subsection (q) of this Code section. Other funding sources  
17 must be utilized for any renovation or modification activities which may be needed; and  
18 (C) The local participation required under subsection (f) of this Code section and all  
19 other procedural requirements of this Code section are met.

### 20 SECTION 13.

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

24 20-2-262.

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

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

4 (c) The State Board of Education shall provide eligible local school systems with  
 5 low-wealth capital outlay grants as provided for in this Code section, subject to  
 6 appropriation by the General Assembly. Such grants shall provide sufficient funds to cover  
 7 ~~90~~ 92 percent of the state eligible cost of the local school system's first priority project in  
 8 the five-year facilities plan, as contained in the system's most recently approved local  
 9 facilities plan. A local school system may qualify for a grant not to exceed 95 percent of  
 10 the state eligible cost of the local school system's first priority project in the five-year  
 11 facilities plan if the system uses a Georgia State Financing and Investment Commission  
 12 prototypical design with the project managed under the direction of the Georgia State  
 13 Financing and Investment Commission.

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

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

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

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

24 (4) The local school system's millage rate for maintenance and operation is at least 60  
 25 percent of the system's constitutional authority to recommend; or if the school system is  
 26 not a recommending authority, the appropriations to the system represent a minimum of  
 27 60 percent of the amount that would be generated by a rate of 20 mills; or if the school  
 28 system is eligible to receive local option sales tax proceeds for maintenance and operation  
 29 purposes, the combination of property tax revenue and sales tax revenue represents a  
 30 minimum of 60 percent of the amount that would be generated by a rate of 20 mills;

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

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

36 **SECTION 14.**

1 Said chapter is further amended by inserting in Part 12 of Article 6, relating to effectiveness  
2 of educational programs, new Code Sections to be designated Code Sections 20-2-282,  
3 20-2-283, 20-2-284, 20-2-285, and 20-2-286 to read as follows:

4 20-2-282.

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

10 (b) This policy as provided for in this Code section and Code Sections 20-2-283 through  
11 20-2-285 shall be known as the 'Georgia Academic Placement and Promotion Policy.'

12 20-2-283.

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

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

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

19 (A) The fourth 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 third grade  
22 criterion-referenced reading assessment developed in accordance with subsection (a)  
23 of Code Section 20-2-281 and meet the promotional standards and criteria established  
24 by the State Board of Education and by the local school board for the school that the  
25 student attends;

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

33 or

34 (C) The ninth grade program to which the student would otherwise be assigned if the  
35 student does not achieve grade level as defined by the Office of Education  
36 Accountability in accordance with Code Section 20-14-31 on the eighth grade

1 criterion-referenced mathematics assessment and eighth grade criterion-referenced  
2 reading assessment developed in accordance with subsection (a) of Code Section  
3 20-2-281 and meet the promotional standards and criteria established by the State  
4 Board of Education and by the local school board for the school that the student attends;

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

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

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

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

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

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

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

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

35 (D) The promotion/retention committee shall:

36 (i) Review the overall academic achievement of the student in light of the  
37 performance on the criterion-referenced assessment and the standards and criteria as

1 adopted by the local board of education and make a determination to promote or  
2 retain. A decision to promote must be a unanimous decision and must determine that  
3 if promoted and given accelerated or additional instruction during the next year, the  
4 student is likely to perform at grade level as defined by the Office of Education  
5 Accountability in accordance with Code Section 20-14-31 by the conclusion of the  
6 school year; and

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

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

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

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

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

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

29 20-2-284.

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

34 (b) Except for those criterion-referenced assessments specified in Code Section 20-2-283,  
35 the placement and promotion policy as developed and adopted by each local board of  
36 education shall state how the criterion-referenced competency tests administered under

1 20-2-281 for grades one through eight will be weighted or otherwise utilized by the school  
2 principal or the principal's designee in determining the overall academic achievement of  
3 a student and an appropriate plan of accelerated instruction, placement, promotion, or  
4 retention of a student.

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

8 20-2-285.

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

- 11 (1) The third grade beginning with the 2003-2004 school year;
- 12 (2) The fifth grade beginning with the 2004-2005 school year; and
- 13 (3) The eighth grade beginning with the 2005-2006 school year.

14 20-2-286.

15 (a) There is created a commission to be known as the Georgia Closing the Achievement  
16 Gap Commission, referred to in this Code section as the commission.

17 (1) The commission shall consist of the following:

- 18 (A) A chairperson and six members to be appointed by the Governor;
- 19 (B) Six members to be appointed by the President of the Senate; and
- 20 (C) Six members to be appointed by the Speaker of the House of Representatives.

21 (2) In making appointments to the commission, the appointing officers shall ensure that  
22 representatives for at-risk student populations have significant representation on the  
23 commission.

24 (3) When a vacancy occurs in the membership of the commission, the vacancy shall be  
25 filled by the same appointing officer who made the initial appointment.

26 (b) The purpose of the commission is to provide a public policy focus on closing the  
27 student achievement gap that exists for at-risk students, including groups of students  
28 disaggregated by ethnicity, sex, disability, language proficiency, and socioeconomic status.  
29 The commission is to develop successful strategies, reports, and recommendations that will  
30 assist in closing this student achievement gap. The commission shall focus on  
31 disaggregated student achievement data and shall research programs and strategies utilized  
32 in schools in Georgia and nationally to reduce the achievement gap. The commission shall  
33 provide reports and recommendations to the Education Coordinating Council and the  
34 General Assembly regarding closing the gap in student achievement in Georgia.

35 (c) The commission shall be authorized to:

- 1 (1) Gather accurate and reliable data and research information pertaining to the status of
- 2 at-risk students in the Georgia public school system;
- 3 (2) Identify and visit education programs and other efforts within and outside Georgia
- 4 that appear to be successful in yielding significant positive results for at-risk students;
- 5 (3) Consult with higher education faculty members and other persons who have been
- 6 engaged in extensive research and observation related to these issues and encourage their
- 7 direct involvement in the activities of the commission;
- 8 (4) Conduct hearings throughout the state for the purpose of obtaining meaningful
- 9 information regarding successful education programs and efforts related to those
- 10 concerns;
- 11 (5) Identify, consult, and meet with representatives of national, regional, and state-level
- 12 organizations and agencies that could be particularly helpful in addressing the concerns
- 13 of at-risk student achievement;
- 14 (6) Devise recommendations regarding steps that should be taken to address the concerns
- 15 of at-risk student achievement and the steps that should be taken separately and
- 16 collectively by:
  - 17 (A) State government agencies;
  - 18 (B) Local government agencies;
  - 19 (C) Public schools and higher education institutions;
  - 20 (D) Nonprofit organizations;
  - 21 (E) Professional educational organizations;
  - 22 (F) Foundations;
  - 23 (G) Faith based organizations or institutions;
  - 24 (H) Civic organizations;
  - 25 (I) The business community; and
  - 26 (J) Other entities; and
- 27 (7) Receive reports from and consult with the Office of Education Accountability
- 28 regarding the student achievement results including all disaggregated student
- 29 achievement data.
- 30 (d) The commission should place particular emphasis on reviewing programs and efforts
- 31 that have been successful in attaining:
  - 32 (1) Improved educational achievement amount at-risk students;
  - 33 (2) Reduction of school discipline and behavioral problems that hinder student
  - 34 achievement;
  - 35 (3) Reduction of at-risk student dropout rates; and
  - 36 (4) Improved parental involvement in a student's academic achievement and in the
  - 37 school of the student.

1 (e) The commission shall report to the Education Coordinating Council and the General  
2 Assembly their findings and recommendations including any legislation that the  
3 commission has determined is needed to implement their recommendations.

4 (f) The commission shall receive per diem, subsistence, and travel allowance subject to  
5 appropriation by the General Assembly.

6 (g) The commission shall be provided staff and administrative support by the Office of  
7 Education Accountability to carry out the authority described in this Code section.

8 (h) The commission's existence shall be terminated on June 30, 2006, unless continued  
9 existence is authorized by statute."

### 10 SECTION 15.

11 Said chapter is further amended by striking subsections (b) and (c) of Code Section  
12 20-2-290, 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  
17 Board of Education shall prescribe and an interdisciplinary team of academic teachers  
18 with common planning time of between 55 minutes and 85 minutes. Funds earned  
19 above the funding class size for the middle school program may be used by the local  
20 board of education to fund additional planning time above 55 minutes, provided that,  
21 for the 2000-2001 school year, such funds earned above the funding class size for the  
22 middle school program shall be expended in conjunction with state appropriation for  
23 such planning time to provide for not less than 85 minutes of planning time. Without  
24 limiting the choices, the local board shall have the authority to schedule exploratory and  
25 physical education classes for the remainder of the school day. For students not  
26 performing on grade level, as defined by the Office of Education Accountability, the  
27 additional time shall be designated for academic instruction minimum of five hours  
28 shall include such remedial academic instruction in English and language arts, reading,  
29 mathematics, science, or social studies as required to bring such students to grade level  
30 performance with the priority for such remediation being placed on reading and  
31 mathematics or as otherwise determined by the student's team of academic teachers;:

32 For students performing at or above grade level, such additional time may be used to  
33 further advance the student or to instruct in other academic subjects such as foreign  
34 language. A student who is performing at or above grade level shall be allowed to take  
35 additional academic classes instead of exploratory classes if the parent or guardian of  
36 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.

~~(c)~~(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

1 attending a private postsecondary institution, by striking paragraph (2) of subsection (d)  
2 and subsection (e) and inserting in lieu thereof the following:

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

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

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

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

12 ~~(e) An otherwise eligible student who fails to maintain a cumulative grade point average~~  
13 ~~of at least 3.0 at the end of the quarter or semester in which the student has attempted 45~~  
14 ~~quarter hours or 30 semester hours may attend the next 45 quarter hours or 30 semester~~  
15 ~~hours without a HOPE scholarship. A student who regains a cumulative grade point~~  
16 ~~average of at least 3.0 at end of the quarter or semester in which the student has attempted~~  
17 ~~90 quarter hours or 60 semester hours may requalify for a HOPE scholarship Reserved.~~

#### 18 SECTION 18.

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

21 (d) A PROMISE II teacher's scholarship may be applied toward no more than 30  
22 semester or 45 quarter hours of study and may be used no later than June 30, 2004.

#### 23 SECTION 19.

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

#### 27 SECTION 20.

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

#### 30 SECTION 2.

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

1

**SECTION 21.**

2

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