

SENATE SUBSTITUTE TO HB 656

AS PASSED SENATE**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 identification of students at risk of not reaching or maintaining
6 academic grade level at the beginning of each school year and during the school year; to
7 provide for assignment of such students to early intervention as soon as practicable; to
8 provide for such programs' purpose, rules and regulations, inclusion in accountability
9 standards, delivery models, and funding; to provide for reporting of students served in such
10 programs; to exclude students in grades four and five from the remedial education program;
11 to clarify and revise the calculation of funding for alternative education programs; to change
12 program weights for funding purposes; to change the method of accounting for funds earned
13 for counselors and technology specialists; to provide for certain funding for specialists
14 qualified to teach foreign language; to provide for using the most recent full-time equivalent
15 program count for certain new programs for calculating allotments; to provide for
16 calculating, designating, and using funds for 20 days of additional instruction for 10 percent
17 of the full-time equivalent count of students; to delete a provision for funding laboratory
18 supervisors for the vocational laboratory program; to provide for instructional aides for
19 kindergarten and kindergarten early intervention; to provide that such aides shall not be used
20 to increase the maximum class size in kindergarten; to limit the maximum class size for
21 kindergarten to no more than 20 percent over the funding ratio; to authorize state payment
22 of a portion of the national certification program participation fee prior to certification for
23 certain teachers; to provide for repayment to the state of such state payment in certain
24 circumstances; to delete a requirement for paying the state supplement to principals in a
25 single separate payment; to extend grants for extended day program to students in grades six
26 through 12; to change provisions relating to capital outlay funds; to provide for the use of
27 state capital outlay funds for construction projects that serve cooperative efforts between

1 local school systems and postsecondary institutions and use certain prototypical designs
2 which incorporate elements creating a quality learning environment; to change the method
3 of calculating the required local participation and provide an incentive for school systems to
4 use prototypical designs and have projects managed under the direction of the Georgia State
5 Financing and Investment Commission; to increase the maximum amount of annual
6 authorization by the State Board of Education; to change provisions relating to annual debt
7 service and local funds contributed in excess of required local participation; to provide for
8 rules; to change provisions relating to low-wealth capital outlay grants to local school
9 systems; to provide for grants for school systems which use a prototypical design and have
10 the project managed under the direction of the Georgia State Financing and Investment
11 Commission; to enact the Georgia Academic Placement and Promotion Policy; to provide
12 for adoption by each local board of education of a placement and promotion policy including
13 standards for retention of students in certain grades, opportunity for retesting, appeal of
14 retention decisions, accelerated, differentiated, or additional instruction, and procedures for
15 students receiving special education services; to provide for additional policies by local
16 boards of education relative to accelerated, differentiated, or additional instruction,
17 placement, promotion, or retention of students; to provide for assistance from the State Board
18 of Education; to provide for a timetable for implementation; to create the "Georgia Closing
19 the Achievement Gap Commission" and to provide for its members, purpose, authority and
20 duties, emphasis, reports, per diem and expenses, staff and administrative support, and
21 termination; to change provisions relating to schedules and remedial education in middle
22 schools; to provide for eligibility for sparsity grants to supplement funding for certain
23 alternative education programs; to amend Chapter 3 of Title 20 of the Official Code of
24 Georgia Annotated, relating to postsecondary education, so as to change eligibility
25 requirements for HOPE scholarships for seniors attending private postsecondary institutions;
26 to change a provision relating to PROMISE II teachers' scholarships; to amend an Act
27 approved April 22, 1999 (Ga. L. 1999, p. 400), so as to change the date for automatic repeal
28 of such Act, relating to low-wealth capital outlay grants, to June 30, 2009; to provide for
29 related matters; to repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

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

1 "20-2-153.

2 (a) The State Board of Education shall create and each local board of education shall
3 provide an early intervention a special instructional assistance program to serve students
4 in kindergarten through grade five. The kindergarten early intervention program shall
5 serve students enrolled in kindergarten. The primary grades early intervention program
6 shall serve students enrolled in grades one through three. The upper elementary grades
7 early intervention program shall serve students in grades four through five.

8 (b) The early intervention program shall serve to assist students who with identified
9 developmental deficiencies which are likely to at risk of not reaching or result in problems
10 in maintaining a academic grade level of performance consistent with expectations for
11 their respective ages., including but not limited to students who are identified through the
12 first grade readiness assessment required by Code Section 20-2-151 and 20-2-281 and
13 students with identified academic performance below grade levels defined by the Office
14 of Education Accountability in Code Section 20-14-31 for any criterion-referenced
15 assessment administered in accordance with Code Section 20-2-181 for grades one through
16 five. Local school systems shall devise a process for the identification of such students at
17 the beginning of each school year and also during the school year as a continuous process
18 of early identification and monitoring. School systems may use indicators such as but not
19 limited to the student's scores on previous assessments, the student's classroom
20 performance in the same or previous years, and other reliable indicators to identify such
21 students. A student shall be assigned to the early intervention program as soon as is
22 practicable after the student is identified as at risk or after the results of the first-grade
23 readiness assessment or the criterion-referenced assessment are known. Only students
24 enrolled in grades kindergarten through five with documented developmental levels below
25 expectations for their respective ages that are not attributable to an identified disabling
26 condition and who are not enrolled in either the remedial education program or any of the
27 special education programs shall be eligible for the special instructional assistance
28 program; provided, however, that students with physical disabilities whose special
29 education services consist solely of therapy related to the physical disability shall be
30 eligible for the special instructional assistance program if they meet all other criteria of this
31 Code section. The state board shall specify the instruments and process used to determine
32 student eligibility for this program, including specification of the student eligibility criteria
33 to be applied, the allowable educational services to be provided under this Code section,
34 and the funding guidelines to be used in distributing state funds to participating local
35 school systems. Such policies and guidelines shall be submitted to the General Assembly
36 for review and comment prior to the request for funding by the state board.

1 (c) The State Board of Education shall describe by rules and regulations such additional
2 services, resources, support, or strategies as may be provided by the local school system.
3 The specifications for delivery of early intervention services shall be the responsibility of
4 local boards of education except that the program rules and regulations adopted by the
5 State Board of Education shall be followed in designing the program delivery models.
6 Delivery models may include, but are not limited to, class augmentation, pull-out or
7 self-contained classes, and the Reading Recovery Program delivered by certificated
8 personnel.

9 (d) The early intervention program shall be designed with the intent of helping the student
10 to perform at expectations and exit the program in the shortest possible time. Students
11 shall be moved into this program, provided assistance, and moved out of this program upon
12 reaching grade level performance. It is not the intent of the General Assembly that students
13 be assigned to this program on a continuing or permanent basis. In developing
14 accountability standards for schools, the Office of Education Accountability shall consider
15 the length of time that students spend in the early intervention program as one of the
16 determinants of performing and nonperforming schools.

17 (e) Funding for the early intervention program shall have a full-time equivalent
18 teacher-student ratio of one teacher to 11 students.

19 (f) Each local school system shall annually report by grade level the number of eligible
20 students, the number of students served, the types of services provided, and the average
21 achievement of students served. For the first year of implementation of this program state
22 wide, the state board shall request an amount for grants to local school systems based upon
23 documentation of the number of eligible students estimated to be served; provided,
24 however, that funds appropriated for this program in the initial year of operation shall be
25 allocated only on the basis of the documented actual number of students being served
26 during the initial year. For the second year of operation and thereafter, the amount of funds
27 appropriated and allocated for this program shall be based on the actual count of students
28 served during the preceding year. In the event that insufficient funds are appropriated by
29 the General Assembly to serve all eligible students in this program, any funds which are
30 appropriated shall be directed toward addressing the needs of the most needy eligible
31 students in each local school system as identified by the local board of education in each
32 local system the number of students served in the early intervention program as part of the
33 full-time equivalent program count conducted pursuant to Code Section 20-2-160."

34 **SECTION 2.**

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

1 "20-2-154.

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

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

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

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

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

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

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

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

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

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

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

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

35 (b) ~~Students in grades four and five shall only receive instruction at any given time at their~~
36 ~~current performance level or slightly above such level in the subject matter areas for which~~
37 ~~they are eligible under the provisions of this Code section, provided, however, that the~~

~~program of instruction is designed to move the student to grade level or higher in the shortest possible time while ensuring mastery as the student progresses.~~ Each local unit of administration shall submit to the State Board of Education by July 1 of each year the average achievement scores by subject area and grade level of all students who were receiving instructional services under the provisions of this Code section, except those students whose Individualized Education Programs under the special education program state they shall not be administered such achievement tests. If appropriate evaluation data are not received from a local school system by the state board by July 1 of each year, after a hearing has been held for the system, the subsequent allocation of funds under this Code section for the next fiscal year shall be withheld in accordance with the procedure specified in Code Section 20-2-243. The state board shall monitor each local school system's remedial education program at least once each year. The state board shall annually request sufficient state funds to pay a pro rata share of the costs associated with the staff of the federal compensatory education program for disadvantaged children when such staff is used to evaluate the remedial education program under this Code section in conjunction with the evaluation of the federal compensatory education program for disadvantaged children in the same local school system."

SECTION 3.

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

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

SECTION 4.

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

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

SECTION 5.

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

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

(1) Kindergarten program	1.3405
	<u>1.6226</u>
	weight and
	1 to 15
	ratio
(2) Kindergarten early intervention program	1.7082
	<u>1.9952</u>
	weight and
	1 to 11
	ratio
(3) Primary grades program (1-3)	1.2689
	<u>1.2686</u>
	weight and
	1 to 17
	ratio

1	(4) Primary grades early intervention program (1-3)	1.7556
2		<u>1.7617</u>
3		weight and
4		1 to 11
		ratio
5	(5) Upper elementary grades program (4-5)	1.0289
6		<u>1.0258</u>
7		weight and
8		1 to 23
		ratio
9	<u>(6) Upper elementary grades early intervention program (4-5)</u>	<u>1.7549</u>
10		<u>weight and</u>
11		<u>1 to 11</u>
12		<u>ratio</u>
13	(6) <u>(7)</u> Middle grades program (6-8)	1.0218
14		<u>1.0102</u>
15		weight and
16		1 to 23
		ratio
17	(7) <u>(8)</u> Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1196
18		<u>1.1104</u>
19		weight and
20		1 to 20
		ratio
21	(8) <u>(9)</u> High school general education program (9-12)	1.0000
22		weight and
23		1 to 23
24		ratio
25	(9) <u>(10)</u> Vocational laboratory program (9-12)	1.2052
26		<u>1.2010</u>
27		weight and
28		1 to 20
		ratio

1	(10) <u>(11)</u> Program for persons with disabilities:	
2	Category I	2.3272
3		<u>2.3409</u>
4		weight and
5		1 to 8
		ratio
6	(11) <u>(12)</u> Program for persons with disabilities:	
7	Category II	2.7111
8		<u>2.7330</u>
9		weight and
10		1 to 6.5
		ratio
11	(12) <u>(13)</u> Program for persons with disabilities:	
12	Category III	3.4485
13		<u>3.4778</u>
14		weight and
15		1 to 5
		ratio
16	(13) <u>(14)</u> Program for persons with disabilities:	
17	Category IV	5.5742
18		<u>5.6253</u>
19		weight and
20		1 to 3
		ratio
21	(14) <u>(15)</u> Program for persons with disabilities:	
22	Category V	2.4136
23		<u>2.4233</u>
24		weight and
25		1 to 8
		ratio
26	(15) <u>(16)</u> Program for intellectually gifted students:	
27	Category VI	1.6255
28		<u>1.6340</u>
29		weight and
30		1 to 12
		ratio

1	(16) <u>(17)</u> Remedial education program	1.2864
2		<u>1.2917</u>
3		weight and
4		1 to 15
		ratio
5	(17) <u>(18)</u> Alternative education program	1.5613
6		<u>1.5683</u>
7		weight and
8		1 to 15
		ratio
9	(18) <u>(19)</u> English for speakers of other languages (ESOL) program	2.4317
10		<u>2.4521</u>
11		weight and
12		1 to 7
		ratio"

SECTION 6.

Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section 20-2-167, relating to funding for direct instructional, media center, and staff development costs, budget and accounting system, and submission of local budget to the state board, and inserting in lieu thereof the following:

"(a)(1) The State Board of Education shall annually compute, based upon the initial allotment of funds to each local school system, the total funds needed for direct instructional costs for each program identified in Code Section 20-2-161, specifying the number of positions earned and salaries and operational costs portions. 'Direct instructional costs' is defined as those components of the program weights which are specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total funds needed for direct instructional costs for each program, the state board shall apply the percentage that these costs represent of the total costs used in developing the program weights. The direct instructional costs for the five instructional programs for disabled students shall be summed into one amount for special education. Following the midterm adjustment, the state board shall issue allotment sheets for each local school system and each school reflecting the total amount of earnings, initial earnings, and midterm adjustment, if any, for each program authorized by Code Section 20-2-161. For each such program, each local school system shall spend a minimum of 90 percent of funds designated for direct instructional costs on the direct instructional costs of such program

1 at the school site in which the funds were earned, except that funds earned for special
2 education programs shall be summed for the purposes of this expenditure control. For the
3 purposes of this expenditure control, funds earned for counselors and technology
4 specialists shall each be summed to the school level. Only the state salary amounts
5 resulting from the amount earned on the state-wide salary schedule as approved by the
6 State Board of Education pursuant to Code Section 20-2-212 plus associated benefits
7 funded by the state and the salaries and any ~~state-earned~~ state earned benefits or
8 comparable ~~state-earned~~ state earned benefits of technology specialists and classroom
9 aides may be applied to the salary cost components for the purpose of meeting this
10 expenditure control. Except as otherwise provided by law or rule and regulation of the
11 state board, local school systems may decide whether direct instructional funds shall be
12 used for teacher salaries, aide salaries, instructional material or equipment, or any other
13 appropriate direct instructional expense; provided, however, that 100 percent of funds
14 earned for direct instructional salaries shall be expended for salaries of direct instructional
15 personnel and classroom aides. The total number of positions earned for direct
16 instruction as specified in Code Section 20-2-182, adjusted for maximum class size, shall
17 be employed for the delivery of services for which the funds were earned. This position
18 control shall be for the kindergarten program, the kindergarten early intervention
19 program, the primary grades program, and the primary grades early intervention program
20 combined and the combined total for all other programs; provided, however, that
21 positions earned for art, music, and physical education, technology specialists, and
22 counselors shall be totaled for all programs. Fractional amounts may be combined and
23 used for any direct instructional position. Funds earned for any fractional amounts may
24 be used for any direct instructional expense. Quality Basic Education Formula funds in
25 excess of the amount required by this paragraph to be expended by a local school system
26 for the direct instructional costs of an instructional program specified by Code Section
27 20-2-161 which are not expended for direct instructional costs must be returned to the
28 state treasury."

29 SECTION 7.

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

33 "20-2-181.

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

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

13 SECTION 8.

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

17 "20-2-182.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 9.

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

16 "20-2-184.1.

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

30 SECTION 10.

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

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

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

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

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

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

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

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

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

23 **SECTION 11.**

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

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

SECTION 12.

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

"20-2-259.

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

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

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

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

SECTION 13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (8) To provide construction projects that serve cooperative efforts between local school
36 systems and postsecondary institutions; and

1 (9) To provide construction projects that use prototypical designs approved by the
 2 Georgia State Financing and Investment Commission, including designs which
 3 incorporate elements that create a quality learning environment.

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

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

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

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

1 state funds to be appropriated, calculations shall be made for at least three levels below
2 the ~~\$100~~ \$200 million maximum authorization, adjusted as specified in this paragraph.

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

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

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

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

32 (4) In order to determine the amount of state funds to be requested for a given fiscal year
33 under this subsection, total new and accrued entitlements must be compared to the state
34 portion of the current cost estimates of the projects approved in the educational facilities
35 plan in priority order. Such comparison shall be made for each of the incremental
36 entitlement levels required in paragraph (1) of this subsection. In the event that projects
37 requested for funding exceed the total state entitlements and required local participation,

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

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

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

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

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

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

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

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

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

34 (B) Annual entitlements accrued under subsection (g) of this Code section have offset
35 any advanced funding previously granted, except that no more than three years of
36 combined entitlements of the participating local school systems shall be required to

offset advance funding for consolidation projects pursuant to paragraph (5) of subsection (e) of this Code section;

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any construction project submitted to utilize growth entitlement shall include construction of at least three new instructional units. If sufficient growth entitlement is not currently available for all of the new instructional units needed under this subsection, additional local funds or entitlements available to meet construction needs identified in the school system's facilities plan pursuant to subsection (g) of this Code section may be combined with any entitlement available for exceptional growth pursuant to this subsection for the purpose of completing all construction needs identified at a school. Entitlements earned under this subsection shall not be withheld, recalculated, or otherwise reduced for any construction project approved under subsection (g) of this Code section. Exceptional growth entitlement shall be utilized for construction of new instructional units at an existing school or for new schools only for those schools which, following the completion of such construction, meet the minimum size specified in subsection (q) of this Code section. Other funding sources must be utilized for any renovation or modification activities which may be needed; and

(C) The local participation required under subsection (f) of this Code section and all other procedural requirements of this Code section are met."

SECTION 14.

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

"20-2-262.

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

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

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

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

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

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

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

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

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

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

SECTION 15.

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

1 "20-2-282.

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

7 (b) This policy as provided for in this Code section and Code Sections 20-2-283 through
8 20-2-285 shall be known as the 'Georgia Academic Placement and Promotion Policy.'

9 20-2-283.

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

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

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

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

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

31 (C) The ninth grade program to which the student would otherwise be assigned if the
32 student does not achieve grade level as defined by the Office of Education
33 Accountability in accordance with Code Section 20-14-31 on the eighth grade
34 criterion-referenced mathematics assessment and eighth grade criterion-referenced
35 reading assessment developed in accordance with subsection (a) of Code Section

20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends;

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

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

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

(C) The student shall be given an opportunity for accelerated, differentiated, or additional instruction in the applicable subject; and

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

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

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

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

(D) The promotion/retention committee shall:

(i) Review the overall academic achievement of the student in light of the performance on the criterion-referenced assessment and the standards and criteria as adopted by the local board of education and make a determination to promote or retain. A decision to promote must be a unanimous decision and must determine that

1 if promoted and given accelerated, differentiated, or additional instruction during the
2 next year, the student is likely to perform at grade level as defined by the Office of
3 Education Accountability in accordance with Code Section 20-14-31 by the
4 conclusion of the school year; and

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

12 (E) For students receiving special education or related services, the Individualized
13 Education Plan Committee shall serve as the promotion/retention committee; and

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

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

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

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

23 20-2-284.

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

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

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

20-2-285.

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

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

20-2-286.

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

(1) The commission shall consist of the following:

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

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

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

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

(c) The commission shall be authorized to:

- (1) Gather accurate and reliable data and research information pertaining to the status of at-risk students in the Georgia public school system;
- (2) Identify and visit education programs and other efforts within and outside Georgia that appear to be successful in yielding significant positive results for at-risk students;

(3) Consult with higher education faculty members and other persons who have been engaged in extensive research and observation related to these issues and encourage their direct involvement in the activities of the commission;

(4) Conduct hearings throughout the state for the purpose of obtaining meaningful information regarding successful education programs and efforts related to those concerns;

(5) Identify, consult, and meet with representatives of national, regional, and state-level organizations and agencies that could be particularly helpful in addressing the concerns of at-risk student achievement;

(6) Devise recommendations regarding steps that should be taken to address the concerns of at-risk student achievement and the steps that should be taken separately and collectively by:

(A) State government agencies;

(B) Local government agencies;

(C) Public schools and higher education institutions;

(D) Nonprofit organizations;

(E) Professional educational organizations;

(F) Foundations;

(G) Faith based organizations or institutions;

(H) Civic organizations;

(I) The business community; and

(J) Other entities; and

(7) Receive reports from and consult with the Office of Education Accountability regarding the student achievement results including all disaggregated student achievement data.

(d) The commission should place particular emphasis on reviewing programs and efforts that have been successful in attaining:

(1) Improved educational achievement amount at-risk students;

(2) Reduction of school discipline and behavioral problems that hinder student achievement;

(3) Reduction of at-risk student dropout rates; and

(4) Improved parental involvement in a student's academic achievement and in the school of the student.

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

- (f) The commission shall receive per diem, subsistence, and travel allowance subject to appropriation by the General Assembly.
- (g) The commission shall be provided staff and administrative support by the Office of Education Accountability to carry out the authority described in this Code section.
- (h) The commission's existence shall be terminated on June 30, 2006, unless continued existence is authorized by statute."

SECTION 16.

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

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

(1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe and an interdisciplinary team of academic teachers with common planning time of between 55 minutes and 85 minutes. Funds earned above the funding class size for the middle school program may be used by the local board of education to fund additional planning time above 55 minutes, provided that, for the 2000-2001 school year, such funds earned above the funding class size for the middle school program shall be expended in conjunction with state appropriation for such planning time to provide for not less than 85 minutes of planning time. Without limiting the choices, the local board shall have the authority to schedule exploratory and physical education classes for the remainder of the school day. For students not performing on grade level, as defined by the Office of Education Accountability, the additional time shall be designated for academic instruction minimum of five hours shall include such remedial academic instruction in English and language arts, reading, mathematics, science, or social studies as required to bring such students to grade level performance with the priority for such remediation being placed on reading and mathematics or as otherwise determined by the student's team of academic teachers; provided that, in making such a determination the team shall consider the student's performance on the criterion-referenced assessments authorized in Code Section 20-2-181; For students performing at or above grade level, such additional time may be used to further advance the student or to instruct in other academic subjects such as foreign language. A student who is performing at or above grade level 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 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 17.

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 18.

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

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

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

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

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

9 "(e) An otherwise eligible student who fails to maintain a cumulative grade point average
10 of at least 3.0 at the end of the quarter or semester in which the student has attempted 45
11 quarter hours or 30 semester hours may attend the next 45 quarter hours or 30 semester
12 hours without a HOPE scholarship. A student who regains a cumulative grade point
13 average of at least 3.0 at end of the quarter or semester in which the student has attempted
14 90 quarter hours or 60 semester hours may requalify for a HOPE scholarship. A student
15 who regains a cumulative grade point average of at least 3.0 at the end of the quarter or
16 semester in which the student has attempted 135 quarter hours or 90 semester hours may
17 requalify for a HOPE scholarship."

18 **SECTION 19.**

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 subject to appropriation by the General Assembly."

23 **SECTION 20.**

24 Subsections (h) and (j) of Code Section 20-2-260, as set out in or amended by Section 13 of
25 this Act, shall be repealed automatically in their entirety on June 30, 2009, and the text of
26 such subsections shall on that date be replaced by "Reserved."

27 **SECTION 20.1.**

28 Said chapter is further amended by striking paragraph (3) of Code Section 20-2-2062,
29 relating to definitions applicable to charter schools, and inserting the following:

30 "(3) 'Charter school' means a public school that is operating under the terms of a charter
31 granted by the state board."

SECTION 21.

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

"SECTION 2.

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

SECTION 22.

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