

Senate Bill 249

By: Senators Brush of the 24th, Lee of the 29th and Stephens of the 51st

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 provide for the comprehensive revision of
3 provisions regarding education flexibility and accountability; to eliminate the Office of
4 Education Accountability; to provide for powers, duties, and responsibilities of the Office
5 of Student Achievement of the Department of Education; to change certain provisions
6 regarding school councils; to change certain provisions regarding early intervention
7 programs; to change certain provisions regarding budgeting, funding, and accounting; to
8 change certain provisions regarding program weights; to change certain provisions regarding
9 funding for additional days of instruction; to change certain provisions regarding regulation
10 of certificated professional personnel; to change certain provisions regarding specific course
11 requirements; to change certain provisions regarding paraprofessionals and aides; to change
12 certain provisions regarding extended day programs; to change certain provisions regarding
13 legislative intent with respect to charter schools; to change certain provisions regarding
14 organization of schools; to change certain provisions regarding petitions to establish charter
15 schools; to change certain provisions regarding operation, control, and management
16 requirements for charter schools; to provide for related matters; to provide an effective date;
17 to repeal conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
21 secondary education, is amended by striking Code Section 20-2-86, relating to school
22 councils, and inserting in its place a new Code Section 20-2-86 to read as follows:

23 "20-2-86.

24 (a) By October 1, 2001, each local board of education that elects to participate in the
25 Quality Basic Education Program provided for in Article 6 of this chapter shall have a

1 school council operational at a minimum of one high school, one middle school, and one
2 elementary school, except that if a school system does not have its schools organized in this
3 manner the system shall designate schools for a school council as closely to the intent of
4 this Code section as possible. By October 1, 2002, each local board of education shall have
5 a school council operational in a minimum of 50 percent of the schools under its
6 jurisdiction. Such school council shall operate pursuant to this Code section, and the local
7 board of education shall assist all councils in their creation and operation. After two years
8 of successful operation, and upon receiving a high performance designation by the ~~Office~~
9 ~~of Education Accountability~~ Office of Student Achievement of the Department of
10 Education, the local board of education shall devolve to the school council such additional
11 authority in matters of school operation as the local board deems appropriate. By October
12 1, 2003, each local board of education shall have a school council operational in each of
13 the schools under its jurisdiction.

14 (b) The local board of education shall provide a training program to assist schools in
15 forming a school council and to assist school councilmembers in the performance of their
16 duties. Such program shall address the organization of councils, their purpose and
17 responsibilities, applicable laws, rules, regulations and meeting procedures, and important
18 state and local school system program requirements and shall provide a model school
19 council organization plan. The training program shall be offered to school councilmembers
20 at least twice per school year, except that this program shall be offered during the month
21 of July should there be members of the school council with a term commencing on July 1
22 who have not previously received this training. The State Board of Education shall develop
23 and make available a model school council training program.

24 (c) Membership on the council shall be open to teachers, parents, and business
25 representatives selected from all businesses that are designated school business partners.
26 Any member may withdraw from the council by delivering to the council a written
27 resignation and submitting a copy to the secretary of the council or school principal. Should
28 school councilmembers determine that a member of the council is no longer active in the
29 council as defined by the bylaws of the council, the council may, by a majority vote ~~of five~~
30 ~~members~~ of the council, withdraw such person's membership status, effective as of a date
31 determined by the council.

32 (d) The property and business of the council shall be managed by a minimum of seven
33 school councilmembers of whom a majority shall constitute a quorum. School
34 councilmembers must be individuals who are 18 years of age or older. Members of the
35 school council shall include:

1 (1) ~~Two~~ A majority of the members of the council shall be parents or guardians of
 2 students enrolled in the school, excluding employees who are parents or guardians of
 3 such students;

4 (2) Two businesspersons, one of whom shall be selected by the local board of education
 5 and one of whom shall be selected by the other five nonbusiness members of the school
 6 council from the business partners of the school or, if there are no business partners, from
 7 the local business community;

8 (3) At least two ~~Two~~ certificated teachers, excluding any personnel employed in
 9 administrative positions, who are employed at least four of the six school segments at the
 10 school; and

11 (4) The school principal.

12 An employee of the local school system may serve as a parent representative on the council
 13 of a school in which his or her child is enrolled if such employee works at a different
 14 school. With the exception of the principal and the business representatives, members shall
 15 be elected by, and from among, the group they represent. ~~The chairperson of the council~~
 16 ~~shall be the school principal.~~

17 (e) Members of the council shall serve for a term of two years except that local schools
 18 may appoint or elect as prescribed in this Code section councilmembers for a one-year term
 19 to provide for staggered terms. The office of school councilmember shall be automatically
 20 vacated:

21 (1) If a member shall resign;

22 (2) If the person holding the office is removed as a member by an action of the council
 23 pursuant to this Code section; or

24 (3) If a member no longer meets the qualifications specified in this Code section.

25 An election within the electing body for a replacement to fill the remainder of an unexpired
 26 term shall be held within 30 days, unless there are 90 days or less remaining in the term in
 27 which case the vacancy shall remain unfilled.

28 (f) All meetings of the school council shall be held at the school site. The council shall
 29 meet ~~once a month, at the call of the chairperson, or at the request of a majority of the~~
 30 ~~members of the council~~ at least four times annually. Notice by mail shall be sent to school
 31 councilmembers ~~at least seven days prior to a meeting of the council.~~ before the start of the
 32 academic year. Public notice to parents shall be sent as provided in subsection (g) of the
 33 Code section. School councils shall be subject to Chapter 14 of Title 50, relating to open
 34 and public meetings, in the same manner as local boards of education. Each member is
 35 authorized to exercise one vote. A quorum must be present in order to conduct official
 36 council business. Members of the council shall not receive remuneration to serve on the
 37 council or its committees.

1 (g) After providing written public notice to all parents at least two weeks before the
 2 meeting of each electing body, the principal of each school shall call a meeting of electing
 3 bodies during the month of May each year for the purpose of selecting members of the
 4 school council as required by this Code section. The electing body for the ~~parent~~ members
 5 under paragraph (1) of subsection (d) of this Code section shall consist of all parents and
 6 guardians eligible to serve as a ~~parent~~ member of the school council, and the electing body
 7 for the teacher members shall consist of all certificated personnel eligible to serve as a
 8 teacher member of the school council.

9 (h) The school council shall adopt such bylaws as it deems appropriate to conduct the
 10 business of the council. The adoption of bylaws or changes thereto requires ~~five~~ a majority
 11 of affirmative votes. The State Board of Education shall develop and make available model
 12 school council bylaws.

13 (i) The school council shall have the same immunity as the local board of education in all
 14 matters directly related to the functions of the council.

15 (j)(1) The officers of the council shall be a chairperson, vice chairperson, and secretary.
 16 Officers of the council, ~~other than the chairperson~~, shall be appointed by resolution of the
 17 council at the first meeting of the council following the election of school
 18 councilmembers. The officers of the council shall hold office concurrently with the term
 19 of members of the council.

20 (2) The vice chairperson shall, in the absence or disability of the chairperson, perform
 21 the duties and exercise the powers of the chairperson and shall perform such other duties
 22 as shall from time to time be imposed upon him or her by the council.

23 (3) The secretary shall attend all meetings, act as clerk of the council, and be responsible
 24 for recording all votes and minutes of all proceedings in the books to be kept for that
 25 purpose. The secretary shall give or cause to be given notice of all meetings of the
 26 council and shall perform such other duties as may be prescribed by the council or the
 27 chairperson, under whose supervision the secretary shall be.

28 (k) The members of the council are accountable to the constituents they serve and shall:

29 ~~(6)~~(1) Work to improve student achievement and performance; ~~;~~

30 ~~(5)~~(2) Encourage the participation of parents and others within the school community;

31 ~~and~~

32 ~~(1)~~(3) Maintain a school-wide perspective on issues;

33 ~~(2)~~(4) Regularly participate in council meetings;

34 ~~(3)~~(5) Participate in information and training programs; and

35 ~~(4)~~(6) Act as a link between the school council and the community; ~~;~~

36 (l) The minutes of the council shall be made available to the public, for inspection at the
 37 school office, and shall be provided to the councilmembers, each of whom shall receive a

1 copy of such minutes within 20 days following each council meeting. All school councils
 2 shall be subject to Article 4 of Chapter 18 of Title 50, relating to the inspection of public
 3 records, in the same manner as local boards of education.

4 (m) At all meetings of the council every question shall be determined by a majority vote
 5 of members present, representing a quorum.

6 (n) The term of office of all councilmembers shall begin on July 1 and end on June 30.

7 (o) The council may appoint committees, study groups, or task forces for such purposes
 8 as it deems helpful and may utilize existing or new school advisory groups.

9 (p) The local board of education shall provide all information not specifically made
 10 confidential by law, including school site budget and expenditure information, to the
 11 council ~~as requested~~ and other information as provided in state board rules. The local board
 12 shall also designate an employee of the school system to attend council meetings as
 13 requested by a school council for the purpose of responding to questions the council may
 14 have concerning information provided to it by the local board or actions taken by the local
 15 board.

16 (q) The local board of education shall receive ~~all~~ and consider recommendations of the
 17 school council, including the annual report, ~~and shall have the authority to overturn any~~
 18 ~~decision of the school council~~ as follows:

19 (1) Public notice shall be given to the community of the local board's intent to consider
 20 school council reports, recommendations, appointments, or any other decision of a school
 21 council;

22 (2) Written notice shall be given to the members of the school council at least seven days
 23 prior to ~~such a~~ a local board meeting, along with a notice of intent to consider a council
 24 report, ~~recommendation, appointment, or any other decision of the council; or~~
 25 recommendation; and

26 (3) The members of the school council shall be afforded an opportunity to present
 27 information in support of the school council's action; ~~and;~~

28 (4) ~~A majority of the board members present, representing a quorum, vote to overturn~~
 29 ~~the council decision.~~

30 The local board of education shall respond to ~~each recommendation~~ recommendations of
 31 the school council within 60 days after being notified in writing of the recommendation.

32 (r) The school principal shall have the following duties pertaining to school council
 33 activities:

34 (1) Cause to be created a school council pursuant to this Code section by convening the
 35 appropriate bodies to select school councilmembers; setting the initial agenda, meeting
 36 time, and location; and notifying all school councilmembers of the same;

- 1 (2) ~~Serve as chairperson of the school council and perform~~ Perform all of the duties
 2 required by law and the bylaws of the council;
- 3 (3) ~~Speak for and represent the council in all school council matters before the local~~
 4 ~~board of education;~~
- 5 (4)(3) Communicate all council requests for information and assistance to the local
 6 school superintendent and inform the council of responses or actions of the local school
 7 superintendent;
- 8 (5)(4) Develop the school improvement plan and school operation plan and submit the
 9 plans to the school council for its review, comments, recommendations, and approval;
 10 and
- 11 (6)(5) Aid in the development of ~~Develop~~ the agenda for each meeting of the council
 12 after taking into consideration suggestions of councilmembers and the urgency of school
 13 matters. An item may be added to the agenda at the request of three or more
 14 councilmembers; and
- 15 (7) ~~Provide to the council the initial and midterm allotment sheets for the school that are~~
 16 ~~provided by the Department of Education pursuant to Article 6 of this chapter.~~
- 17 (s) School councils are advisory bodies. The councils shall provide advice and
 18 recommendations to the school principal and, where appropriate, the local board of
 19 education on any matter, including but not limited to, the following:
- 20 (1) School calendar;
- 21 (2) School codes for conduct and dress;
- 22 (3) Curriculum, program goals, and priorities;
- 23 (4) The school's improvement plan;
- 24 (4)(5) The responses of the school to audits of the school as conducted by the ~~Office of~~
 25 ~~Education Accountability~~ Office of Student Achievement of the Department of
 26 Education;
- 27 (5)(6) Preparation and distribution to the community of a school profile which shall
 28 contain data as identified by the council to describe the academic performance, academic
 29 progress, services, awards, interventions, environment, and other such data as the council
 30 deems appropriate;
- 31 (6)(7) In the case of a vacancy in the position of school principal, the recommendation
 32 of a school principal from a list of qualified applicants submitted by the local board of
 33 education and local school superintendent to the council;
- 34 (7)(8) School budget priorities, including ~~school~~ capital improvement plans;
- 35 (8)(9) School-community communication strategies;
- 36 (9)(10) Methods of reporting to parents and communities other than through the school
 37 profile;

1 and his or her parents or guardians to discuss the student's academic performance and the
2 role of the early intervention program.

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

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

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

21 (f) Each local school system shall annually report the number of students served in the
22 early intervention program as part of the full-time equivalent program count conducted
23 pursuant to Code Section 20-2-160.

24 SECTION 3.

25 Said chapter is further amended by striking Code Section 20-2-167, relating to funding,
26 budgeting, and accounting, and inserting in its place a new Code Section 20-2-167 to read
27 as follows:

28 "20-2-167.

29 (a)(1) The State Board of Education shall annually compute, based upon the initial
30 allotment of funds to each local school system, the total funds needed for direct
31 instructional costs for each program identified in Code Section 20-2-161, specifying the
32 number of positions earned and salaries and operational costs portions. 'Direct
33 instructional costs' is defined as those components of the program weights which are
34 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total
35 funds needed for direct instructional costs for each program, the state board shall apply
36 the percentage that these costs represent of the total costs used in developing the program

1 weights. The direct instructional costs for the five instructional programs for disabled
2 students shall be summed into one amount for special education. Following the midterm
3 adjustment, the state board shall issue allotment sheets for each local school system and
4 each school reflecting the total amount of earnings, initial earnings, and midterm
5 adjustment, if any, for each program authorized by Code Section 20-2-161. ~~For each such~~
6 ~~program, each local school system shall spend a minimum of 90 percent of funds~~
7 ~~designated for direct instructional costs on the direct instructional costs of such program~~
8 ~~at the school site in which the funds were earned, except that funds earned for special~~
9 ~~education programs shall be summed for the purposes of this expenditure control. For the~~
10 ~~purposes of this expenditure control, funds earned for counselors and technology~~
11 ~~specialists shall each be summed to the school level. Only the state salary amounts~~
12 ~~resulting from the amount earned on the state-wide salary schedule as approved by the~~
13 ~~State Board of Education pursuant to Code Section 20-2-212 plus associated benefits~~
14 ~~funded by the state and the salaries and any state earned benefits or comparable state~~
15 ~~earned benefits of technology specialists and classroom aides may be applied to the salary~~
16 ~~cost components for the purpose of meeting this expenditure control. Except as otherwise~~
17 ~~provided by law or rule and regulation of the state board, local school systems may~~
18 ~~decide whether direct instructional funds shall be used for teacher salaries, aide salaries,~~
19 ~~instructional material or equipment, or any other appropriate direct instructional expense;~~
20 ~~provided, however, that 100 percent of funds earned for direct instructional salaries shall~~
21 ~~be expended for salaries of direct instructional personnel and classroom aides. The total~~
22 ~~number of positions earned for direct instruction as specified in Code Section 20-2-182,~~
23 ~~adjusted for maximum class size, shall be employed for the delivery of services for which~~
24 ~~the funds were earned. This position control shall be for the kindergarten program, the~~
25 ~~kindergarten early intervention program, the primary grades program, and the primary~~
26 ~~grades early intervention program combined and the combined total for all other~~
27 ~~programs; provided, however, that positions earned for art, music, foreign language, and~~
28 ~~physical education, technology specialists, and counselors shall be totaled for all~~
29 ~~programs. Fractional amounts may be combined and used for any direct instructional~~
30 ~~position. Funds earned for any fractional amounts may be used for any direct instructional~~
31 ~~expense. Quality Basic Education Formula funds in excess of the amount required by this~~
32 ~~paragraph to be expended by a local school system for the direct instructional costs of an~~
33 ~~instructional program specified by Code Section 20-2-161 which are not expended for~~
34 ~~direct instructional costs must be returned to the state treasury instruction shall be~~
35 ~~expended for direct instruction. In the event any local school system should fail to~~
36 ~~expend funds earned for direct instruction on direct instructional costs, the state board~~
37 ~~shall increase the local five mill share for an ensuing year by the difference.~~

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

12 (3) The state board shall annually compute, based upon the initial allotment of funds to
13 each local school system, the total funds needed system wide for staff development costs.
14 In computing the total funds needed for these categories, the state board shall apply the
15 percentage that these costs represent of the total costs used in developing the program
16 weights. Following the midterm adjustment, the state board shall issue allotment sheets
17 for each local school system ~~and each school~~ reflecting the total amount, initial earnings,
18 and midterm adjustment, if any, of earnings for each program specified in subsection (b)
19 of Code Section 20-2-161. ~~Each local school system shall spend 100 percent of the funds~~
20 ~~designated for staff and professional development costs, as allowed by State Board of~~
21 ~~Education policy, for such costs. For each local school system which is granted an~~
22 ~~additional allotment for the midterm adjustment pursuant to Code Section 20-2-162, these~~
23 ~~amounts shall be increased by the portion of the midterm adjustment allotment which is~~
24 ~~applied to staff development. In the event a local school system does not actually enroll~~
25 ~~the full-time equivalent count that was anticipated by its initial allocation and it elects to~~
26 ~~return a portion of its allocation for staff development and professional development costs~~
27 ~~to the state, the 100 percent amount for staff development shall be reduced by that~~
28 ~~returned amount. Quality Basic Education Formula funds in excess of the amount~~
29 ~~required by this paragraph to be expended by a local school system for staff development~~
30 ~~and professional development of certificated and instructional personnel which are not~~
31 ~~expended for this purpose may be expended only for staff development of noncertificated~~
32 ~~personnel employed by the local school system and the members of the local school~~
33 ~~board, for meeting certification requirements of personnel, and for administration and~~
34 ~~operation of the staff development and professional development programs authorized~~
35 ~~pursuant to subsection (h) of Code Section 20-2-182.~~

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

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

21 (b)(1) The State Board of Education shall establish a computerized uniform budget and
 22 accounting system as a component of the ~~state-wide comprehensive~~ kindergarten through
 23 grade 12 educational information system established pursuant to Code Section 20-2-320
 24 and shall establish uniform regulations to be implemented by local units of
 25 administration. The computerized uniform budget and accounting system shall conform
 26 to generally accepted governmental accounting principles which shall include, but not be
 27 limited to, the following costing information:

28 (A) Instructional program involved;

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

30 (C) Fund source or sources; and

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

34 (2) The state board shall prescribe information that must be submitted to the state board
 35 and the time it must be submitted. In determining the information needed and the time for
 36 submission, the state board shall take into consideration the information and times
 37 ~~identified by the Office of Education Accountability as necessary to the~~ necessary for

1 implementation of the accountability program ~~provided for in Part 3 of Article 2 of~~
 2 ~~Chapter 14 of this title.~~ The state board is authorized to establish a financial review
 3 section for the limited purpose of reviewing financial records and accounting of local
 4 governing boards and assisting local units of administration in training personnel in
 5 financial and budgetary accounting.

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

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

23 SECTION 4.

24 Said chapter is further amended by striking Code Section 20-2-182, relating to program
 25 weights, and inserting in its place a new Code Section 20-2-182 to read as follows:

26 "20-2-182.

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

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

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

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

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

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

21 (f) Reserved.

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

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

1 within the comprehensive professional and staff development program plan approved by
 2 the State Board of Education pursuant to Code Section 20-2-232. Such professional and
 3 staff development program plan shall address deficiencies of certificated personnel as
 4 identified by evaluations required under Code Section 20-2-210. Where possible,
 5 professional and staff development funds shall be used for activities that enhance the skills
 6 of certificated personnel and directly relate to student achievement. Subsequent certificated
 7 personnel evaluations shall include an assessment of an employee's professional and staff
 8 development activities and their effect on identified deficiencies and student achievement.
 9 Funds for professional development purposes may be used for activities occurring at any
 10 time during the fiscal year outside of an employee's normal contract hours.

11 (i) The State Board of Education shall adopt for each instructional program authorized
 12 pursuant to Part 3 of this article and the middle school program provided for in Code
 13 Section 20-2-290 the maximum number of students which may be taught by a teacher in
 14 an instructional period. ~~Such maximum class sizes shall be equal to or greater than the~~
 15 ~~teacher-student ratios used in the calculation of the program weights as set forth in~~
 16 ~~subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by~~
 17 ~~more than 20 percent, unless specifically authorized by the State Board of Education;~~
 18 ~~provided, however, that in no case shall the 20 percent maximum be exceeded for~~
 19 ~~mathematics, science, social studies, or English classes; provided, further, that the State~~
 20 ~~Board of Education shall provide for a system average maximum class size that shall not~~
 21 ~~exceed the funding class size by more than 20 percent for mathematics, science, social~~
 22 ~~studies, or language arts classes, unless specifically authorized by the State Board of~~
 23 ~~Education.~~ the The maximum class size for kindergarten and grades one through three
 24 shall not exceed 20 percent over the funding ratio except for art, music, or physical
 25 education classes; provided, further, that the maximum class size for special education,
 26 gifted, and English for speakers of other languages classes shall be set by the State Board
 27 of Education. For each instructional program, the maximum number of students who may
 28 be taught by a teacher in an instructional period shall not exceed the system average
 29 maximum class size for the program by more than two students; provided, however, that
 30 a maximum class size which results in a fractional full-time equivalent shall be rounded up
 31 to the nearest whole number. For a period not to exceed ~~four~~ five years, beginning with
 32 the 2000-2001 school year, local school systems shall be allowed to exceed the maximum
 33 class sizes set forth in this subsection in a manner consistent with State Board of Education
 34 rules. The State Board of Education shall lower the current maximum class sizes set by
 35 state board rules in effect for the 1999-2000 school year, beginning with the 2000-2001
 36 school year, by a ~~proportional amount each school year~~ an amount so that, beginning with
 37 the ~~2003-2004~~ 2004-2005 school year, State Board of Education rules are in compliance

1 with this subsection. An aide may be used in programs to increase class size as allowed by
 2 State Board of Education rule, except that, beginning with the 2004-2005 school year, an
 3 aide shall not be used to increase the maximum class size in kindergarten or grades one
 4 through three. The maximum class size for the kindergarten and primary grades programs
 5 is defined as the number of students in a physical classroom. Maximum class sizes that
 6 result in a fractional full-time equivalent shall be rounded up to the nearest whole number
 7 as needed. The middle school program shall use the teacher-student ratio of the middle
 8 grades program for the purpose of this subsection. The number of students taught by a
 9 teacher at any time after the first 15 school days of a school year may not exceed the
 10 maximum such number unless authorization for a specific larger number is requested of
 11 the state board, along with the educational justification for granting the requested
 12 exemption, and the state board has approved said request. The state board shall not reduce
 13 class sizes without the authorization of the General Assembly; if this reduction necessitates
 14 added costs for facilities, personnel, and other program needs. Local boards of education
 15 may reduce class sizes, build additional facilities, and provide other resources at local cost
 16 if such actions are in the best interest of the local school systems' programs as determined
 17 by the local boards of education."

18

SECTION 5.

19 Said chapter is further amended by striking Code Section 20-2-184.1, relating to funding for
 20 additional days of instruction, and inserting in its place a new Code Section 20-2-184.1 to
 21 read as follows:

22 "20-2-184.1.

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

SECTION 6.

Said chapter is further amended by striking Code Section 20-2-200, relating to regulation of certified professional personnel and inserting in its place a new Code Section 20-2-200 to read as follows:

"20-2-200.

(a) The Professional Standards Commission shall provide, by regulation, for certifying and classifying all certificated professional personnel employed in the public schools of this state. No such personnel shall be employed in the public schools of this state unless they hold certificates issued by the commission certifying their qualifications and classification in accordance with such regulations. The commission shall establish such number of classifications of other certificated professional personnel as it may find reasonably necessary or desirable for the operation of the public schools; provided, however, that such classifications shall be based only upon academic, technical, and professional training, experience, and competency of such personnel. The commission is authorized to provide for denying a certificate to an applicant, suspending or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause after an investigation is held and notice and an opportunity for a hearing are provided the certificate holder or applicant in accordance with subsection (d) of Code Section 20-2-984.5. The commission shall designate and define the various classifications of professional personnel employed in the public schools of this state that shall be required to be certificated under this Code section. Without limiting the generality of the foregoing, the term 'certificated professional personnel' is defined as all professional personnel certificated by the commission and county or regional librarians.

(b) The Professional Standards Commission shall establish rules and regulations for appropriate requirements and procedures to ensure high-quality certification standards for all Georgia educators while facilitating the interstate mobility of out-of-state certified educators.

(1) Requirements established for initial certification applicants new to the profession, to include out-of-state program completers with or without certificates and with no teaching experience, may include, but are not limited to, demonstrated satisfactory proficiency in the following: a test of broad general knowledge; a test of specific subject matter content or other professional knowledge appropriate to the applicant's field of certification; computer skill competency; standards of ethical conduct; and course work in the identification and education of children who have special educational needs.

(2) Requirements established for holders of valid, professional out-of-state certificates applying for their first Georgia certificate may include, but are not limited to the following: computer skill competency; course work in the identification and education

1 of children who have special educational needs; recency of study; and standards of ethical
 2 conduct. These requirements may be completed during the validity period of the first
 3 Georgia certificate. At the time of application for the first Georgia certificate,
 4 satisfactory proficiency in subject matter content appropriate to the applicant's field of
 5 certification may be determined based on Professional Standards Commission approved
 6 tests or combinations of successful teaching experience and academic, technical, and
 7 professional preparation as outlined in rules of the Professional Standards Commission.

8 (3) Requirements for certification renewal shall be established to foster on going
 9 professional learning, enhance student achievement, and verify standards of ethical
 10 conduct. Such requirements may include, but are not limited to, professional learning
 11 related to school improvement plans or the applicant's field of certification and
 12 background checks. Individuals holding a valid Georgia life certificate or a valid
 13 National Board for Professional Teaching Standards certificate shall be deemed to have
 14 met state renewal requirements except those related to background checks.

15 (4) Requirements designating approved in-field assignment standards appropriate to the
 16 applicant's field of certification shall be established to ensure that educators are assigned
 17 to those areas for which they are properly prepared. These standards may be determined
 18 based on reviews of state approved curriculum courses, state approved preparation
 19 programs, and designated certificate fields.

20 (c) An individual who has received two unsatisfactory annual performance evaluations in
 21 the previous five-year period pursuant to Code Section 20-2-210 shall not be entitled to a
 22 renewable certificate prior to demonstrating that such performance deficiency has been
 23 satisfactorily addressed, but such individual may apply to the commission for a
 24 nonrenewable certificate.

25 ~~(b)(1) Before granting a renewable certificate to an applicant, the Professional Standards~~
 26 ~~Commission shall require the applicant to demonstrate satisfactory proficiency on a test~~
 27 ~~of specific subject matter or other professional knowledge appropriate to the applicant's~~
 28 ~~field of certification.~~

29 ~~(2) Before granting a renewable certificate to an applicant, the commission is authorized~~
 30 ~~to require the applicant to demonstrate satisfactory proficiency on a test of oral and~~
 31 ~~written communication skills, a test of computer skill competency, and an assessment to~~
 32 ~~demonstrate satisfactory on-the-job performance appropriate to the applicant's field of~~
 33 ~~certification. Successful completion of the phase one InTech model training at a state~~
 34 ~~educational technology training center or by a State Board of Education approved~~
 35 ~~redelivery team shall be acceptable for certificate renewal purposes. The on-the-job~~
 36 ~~performance of teachers shall be assessed by the instrument developed pursuant to Code~~
 37 ~~Section 20-2-210. When used for initial renewable certification, the extended form~~

1 ~~version of such instrument shall be used with the following additional requirements: the~~
2 ~~applicant shall produce for the days to be observed a brief written lesson plan appropriate~~
3 ~~and sufficient for the demonstration of essential skills, the scheduling of observation~~
4 ~~periods and intervals between them shall be designed to allow the teacher an adequate~~
5 ~~opportunity to demonstrate the essential skills; at least one evaluator shall be external to~~
6 ~~the school system in which the assessment is taking place and each evaluator is certified~~
7 ~~by the commission as qualified to administer the assessment; on-the-job performance~~
8 ~~shall be evaluated on criteria set by the commission which will ensure demonstration of~~
9 ~~effective teaching practices.~~

10 ~~(3) An applicant shall be exempted from the written planning portion of the on-the-job~~
11 ~~assessment requirement pursuant to paragraph (2) of this subsection if:~~

12 ~~(A) The applicant has held a professional teaching or service certificate issued by any~~
13 ~~state in the United States at the baccalaureate degree level or higher and has~~
14 ~~satisfactorily performed appropriate duties on a full-time basis for at least five of the~~
15 ~~past eight years in regionally accredited private schools of this state or another state, or~~
16 ~~an accrediting agency with criteria and procedures equivalent to or greater than a~~
17 ~~regional accrediting association as determined solely by the Professional Standards~~
18 ~~Commission, or in public schools of this state or another state, or a combination~~
19 ~~thereof; or~~

20 ~~(B) The applicant has held a professional leadership certificate issued by any state in~~
21 ~~the United States at a level above the master's degree and has satisfactorily performed~~
22 ~~appropriate leadership duties on a full-time basis for at least five of the past eight years~~
23 ~~in regionally accredited private schools of this state or another state, or an accrediting~~
24 ~~agency with criteria and procedures equivalent to or greater than a regional accrediting~~
25 ~~association as determined solely by the Professional Standards Commission, or in~~
26 ~~public schools of this state or another state, or a combination thereof.~~

27 ~~(4) Exemptions authorized pursuant to paragraph (3) of this subsection shall not apply~~
28 ~~to those applicants who have taken the on-the-job assessment required for certification~~
29 ~~more than five times. Any person who qualifies for the exemption granted under~~
30 ~~subparagraph (A) or (B) of paragraph (3) of this subsection shall receive a nonrenewable~~
31 ~~certificate valid for a maximum of three years. During those three years, said person shall~~
32 ~~be eligible for a renewable certificate at such time said person demonstrates satisfactory~~
33 ~~performance on the nonwritten portion of the required certification assessment. This~~
34 ~~exemption shall in no way affect other certification requirements of this article or the~~
35 ~~annual performance evaluation required pursuant to Code Section 20-2-210.~~

1 ~~(5) Before granting an initial renewable certificate to an applicant, the commission is~~
2 ~~authorized to require the applicant to demonstrate satisfactory proficiency on a test of~~
3 ~~broad general knowledge.~~

4 ~~(6) On any test or assessment required as a condition for receiving any renewable~~
5 ~~certificate, each applicant shall have at least three opportunities to demonstrate the~~
6 ~~required proficiency. Each applicant currently employed by a local unit of administration~~
7 ~~who initially does not pass any required tests or assessments may request and thereby~~
8 ~~shall be provided staff development assistance in the areas of identified deficiencies. An~~
9 ~~applicant must achieve the required passing score on any of the required tests only once~~
10 ~~for each certification level and field.~~

11 ~~(7) An individual holding a valid life certificate is exempt from the provisions of this~~
12 ~~subsection for that certificate field.~~

13 ~~(8) An individual who has received two unsatisfactory annual performance evaluations~~
14 ~~in the previous five-year period pursuant to Code Section 20-2-210 shall not be entitled~~
15 ~~to a renewable certificate prior to demonstrating that such performance deficiency has~~
16 ~~been satisfactorily addressed, but such individual may apply to the commission for a~~
17 ~~nonrenewable certificate.~~

18 ~~(9) Before granting a renewable certificate required for teaching or for administering or~~
19 ~~supervising a school system, school, or school program to an applicant who holds a valid~~
20 ~~renewable certificate at the time of application, the commission shall require such~~
21 ~~applicant to demonstrate that he or she has worked as a teacher in a classroom for not less~~
22 ~~than five days during each school year preceding the expiration of such applicant's~~
23 ~~certificate or has completed a teacher training course approved by the commission.~~

24 ~~(b.1) Upon certification from the National Board for Professional Teaching Standards, an~~
25 ~~applicant shall be deemed to have met state renewal requirements for the life of the~~
26 ~~teacher's national certificate.~~

27 ~~(c)(1) The Professional Standards Commission shall grant a renewable certificate at the~~
28 ~~four-year level in a teaching field to an applicant who has not completed a teacher~~
29 ~~preparation program; provided, however, that such applicant meets the following~~
30 ~~conditions:~~

31 ~~(A) Is the holder of a bachelor's degree from a regionally accredited college or~~
32 ~~university in a subject area field corresponding to an appropriate subject area~~
33 ~~certification classification established pursuant to subsection (a) of this Code section;~~

34 ~~(B) Has satisfactorily completed a one-year supervised classroom internship involving~~
35 ~~the appropriate teaching field;~~

36 ~~(C) Has obtained satisfactory results on tests and assessments pursuant to subsection~~
37 ~~(b) of this Code section otherwise required of applicants for such certification, and~~

1 ~~(D) Has satisfied any additional requirements or standards of the alternative~~
 2 ~~certification program established by rules or regulations of the Professional Standards~~
 3 ~~Commission.~~

4 ~~(2) The Professional Standards Commission shall establish rules and regulations to~~
 5 ~~implement the requirements of this subsection as soon as practical.~~

6 ~~(d)(1) The Professional Standards Commission shall grant a renewable certificate at the~~
 7 ~~five-year level in a teaching field to an applicant who did not complete an undergraduate~~
 8 ~~teacher preparation program; provided, however, that such applicant meets the following~~
 9 ~~conditions:~~

10 ~~(A) Is the holder of a master's degree or higher level degree from a regionally~~
 11 ~~accredited college or university in a subject area field corresponding to an appropriate~~
 12 ~~subject area certification classification established pursuant to subsection (a) of this~~
 13 ~~Code section;~~

14 ~~(B) Has satisfactorily completed a one-year supervised classroom internship involving~~
 15 ~~the appropriate teaching field;~~

16 ~~(C) Has obtained satisfactory results on tests and assessments pursuant to subsection~~
 17 ~~(b) of this Code section otherwise required of applicants for such certification; and~~

18 ~~(D) Has satisfied any additional requirements or standards of the alternative~~
 19 ~~certification program established by rules or regulations of the Professional Standards~~
 20 ~~Commission.~~

21 ~~(2) The Professional Standards Commission shall establish rules and regulations to~~
 22 ~~implement the requirements of this subsection as soon as practical.~~

23 (d) No applicant who is under review by the commission shall be allowed to withdraw his
 24 or her application for a certificate, permit, or other certification document without the
 25 written consent of the commission. The commission shall retain its authority over those
 26 applicants to proceed with the denial of the certificate, permit, or other certification
 27 document upon any ground provided by law, or to enter an order denying the certificate,
 28 permit, or other certification document upon any ground provided by law. The suspension
 29 or expiration of any certificate, permit, or certification document, or its surrender without
 30 the written consent of the commission, shall not deprive the commission of its authority to
 31 do any of the following:

32 (1) Institute or continue a disciplinary proceeding against the holder of a certificate,
 33 permit, or other certification document upon any ground provided by law;

34 (2) Enter an order suspending or revoking the certificate, permit, or other certification
 35 document; or

36 (3) Issue an admonition to the holder of a certificate, permit, or other certification
 37 document.

1 (e)(1) The Professional Standards Commission shall charge the following fees to persons
2 who file applications with the commission under its regulations adopted pursuant to the
3 authority of this Code section:

- 4 (A) For an applicant for initial certification who is not currently employed
5 in Georgia public or private schools \$ 20.00
- 6 (B) For an applicant for initial certification who is not a graduate of an
7 accredited education program from a Georgia college or university 20.00
- 8 (C) For an applicant for a higher certificate when the applicant then holds
9 a Georgia certificate but who is not currently employed in Georgia public or
10 private schools 20.00
- 11 (D) For an applicant for a certificate which adds a field or which endorses
12 a certificate but who is not currently employed in Georgia public or private
13 schools 20.00
- 14 (E) For an applicant for a conditional certificate 20.00
- 15 (F) For an applicant for the renewal of any certificate if the applicant is not
16 currently employed by a public or private school in Georgia 20.00
- 17 (G) For evaluating transcripts where certificates are not issued and for
18 issuing duplicate copies of certificates 20.00

19 (2) The fees provided for in paragraph (1) of this subsection shall be paid by an applicant
20 by cashier’s check or money order as a condition for filing the application.

21 (3) The fees provided for in this subsection shall be paid by the commission into the
22 general funds of the state. The commission shall adopt regulations to carry out the
23 provisions of this subsection.

24 ~~(f) No applicant who is under review by the commission shall be allowed to withdraw his
25 or her application for a certificate, permit, or other certification document without the
26 written consent of the commission. The commission shall retain its authority over those
27 applicants to proceed with the denial of the certificate, permit, or other certification
28 document upon any ground provided by law, or to enter an order denying the certificate,
29 permit, or other certification document upon any ground provided by law. The suspension
30 or expiration of any certificate, permit, or certification document, or its surrender without
31 the written consent of the commission, shall not deprive the commission of its authority to
32 do any of the following:~~

- 33 ~~(1) Institute or continue a disciplinary proceeding against the holder of a certificate,
34 permit, or other certification document upon any ground provided by law;~~
- 35 ~~(2) Enter an order suspending or revoking the certificate, permit, or other certification
36 document, or~~

1 ~~(3) Issue an admonition to the holder of a certificate, permit, or other certification~~
 2 ~~document.~~

3 ~~(g)(f)~~ As used in this part, unless the context indicates otherwise, the term 'commission'
 4 means the Professional Standards Commission established under Part 10 of Article 17 of
 5 this chapter."

6 SECTION 7.

7 Said chapter is further amended by striking Code Section 20-2-201, relating to specific
 8 course requirements, and inserting in its place a new Code Section 20-2-201 to read as
 9 follows:

10 "20-2-201.

11 ~~(a) Any person certified as a teacher, principal, or guidance counselor pursuant to Code~~
 12 ~~Section 20-2-200 shall have satisfactorily completed coursework of five or more quarter~~
 13 ~~hours, approved by the Professional Standards Commission, in the identification and~~
 14 ~~education of children who have special educational needs or shall have satisfactorily~~
 15 ~~completed an equivalent preparation in a staff development program designed for this~~
 16 ~~purpose, provided such staff development program shall have received prior approval of~~
 17 ~~the commission for that purpose. As used in this subsection, 'children who have special~~
 18 ~~educational needs' is defined as gifted children and children who receive educational~~
 19 ~~services under an Individualized Education Plan. Teachers, principals, and guidance~~
 20 ~~counselors who have satisfactorily completed coursework in other states at least~~
 21 ~~comparable with the requirements of this Code section may be certified by the Professional~~
 22 ~~Standards Commission. Those teachers, principals, and guidance counselors of other states,~~
 23 ~~those applicants completing noneducation programs who are otherwise eligible for~~
 24 ~~provisional certification in Georgia, and those teachers with lapsed Georgia teaching~~
 25 ~~certificates who are otherwise eligible for emergency certificates who would be employed~~
 26 ~~and certified in Georgia schools but lack the requirements of this subsection shall have a~~
 27 ~~period of time not to exceed two years from the date of employment to obtain the~~
 28 ~~prescribed training.~~

29 ~~(b) Universities and colleges having teacher preparation programs for grades kindergarten~~
 30 ~~through eight shall require, as a part of such teacher preparation requirements, a separate~~
 31 ~~course in health education and a separate course in physical education. The content of the~~
 32 ~~course in health education shall include general knowledge and attitudes in all critical areas~~
 33 ~~of health and shall include drug and alcohol abuse, smoking, and health education. The~~
 34 ~~required course in physical education shall contain knowledge, attitudes, and understanding~~
 35 ~~of how physical activity shall be integrated into the total lifestyle of an individual.~~

1 ~~(b.1)~~(a) Universities and colleges having teacher preparation programs for grades
 2 pre-kindergarten through 12 shall require students in such programs to be proficient in
 3 computer and other instructional technology applications and skills including
 4 understanding desktop computers, their applications, integration with teaching and
 5 curriculum, and their utilization for individualized instruction and classroom management.
 6 There shall be a test to assess the proficiency of students enrolled in teacher preparation
 7 programs in computer and other instructional technology applications and skills.

8 ~~(c)~~(b) Each local unit of administration shall be required to provide all professional
 9 personnel certificated by the Professional Standards Commission 12 clock hours of
 10 in-service or continuing education in each calendar year, or meet requirements of the
 11 Southern Association of Colleges and Schools. Such in-service programs shall be
 12 developed by the local unit of administration in conjunction with such agencies as regional
 13 educational service agencies, colleges and universities, and other appropriate organizations.
 14 These programs shall be designed to address identified needs determined by appropriate
 15 personnel evaluation instruments. These programs shall also focus on improving the skills
 16 of certificated personnel that directly relate to improving student achievement. Records of
 17 attendance shall be maintained by local units of administration and shall be monitored by
 18 appropriate Department of Education staff."

19 **SECTION 8.**

20 Said chapter is further amended by striking Code Section 20-2-204, relating to
 21 paraprofessionals and aides, and inserting in its place a new Code Section 20-2-204 to read
 22 as follows:

23 "20-2-204.

24 (a) As used in this Code section, the term:

25 ~~(1) 'Aide' is defined as a person who may have less than professional training and who~~
 26 ~~takes no independent actions and has no decision-making authority but performs routine~~
 27 ~~tasks assigned by higher certificated personnel. An aide who works as an instructional~~
 28 ~~aide shall possess the minimum of a high school diploma or a general educational~~
 29 ~~development (GED) diploma.~~

30 ~~(2) 'Licensed personnel' is defined as paraprofessionals and aides.~~

31 ~~(3)~~(1) 'Paraprofessional' is defined as a person who may have less than professional-level
 32 certification, who relates in role and function to a professional and does a portion of the
 33 professional's job or tasks under the supervision of the professional, and whose
 34 decision-making authority is limited and regulated by the professional. Such a
 35 paraprofessional shall possess the minimum of a high school diploma or a general

1 educational development (GED) diploma. If assigned to positions governed by federal
 2 regulations, the paraprofessional must meet specified federal hiring requirements.

3 (4)(2) 'Permitted personnel' is defined as persons who may not qualify for professional
 4 certificates, including retired teachers, but who function in the educational programs in
 5 the same manner as certificated personnel. Such personnel qualify for their positions on
 6 the basis of experience rather than formal education.

7 (b) The Professional Standards Commission shall provide for the classification of all
 8 ~~licensed~~ certified and permitted personnel employed in the public schools of this state, and
 9 no such personnel shall be employed in the public schools of this state unless they meet
 10 such minimum criteria as developed by the commission; provided, however, that such
 11 classifications shall be based only upon academic, technical, and professional training and
 12 experience of such personnel. The commission is authorized to provide for revoking or
 13 denying a ~~license~~ certificate or permit for good cause after an investigation is conducted
 14 and notice and hearing is provided the ~~license~~ certificate or permit holder."

15 SECTION 9.

16 Said chapter is further amended by striking in its entirety Code Section 20-2-259, relating
 17 to extended day programs.

18 SECTION 10.

19 Said chapter is further amended by striking Code Section 20-2-2061, relating to legislative
 20 intent regarding charter schools, and inserting in its place a new Code Section 20-2-2061 to
 21 read as follows:

22 "20-2-2061.

23 It is the intent of the General Assembly to provide a means whereby a petitioner may seek
 24 a performance based contract called a charter, which ~~ties improved performance to the~~
 25 ~~waiver of specifically identified state and local rules, regulations, policies, procedures, and~~
 26 ~~identified provisions of this title other than the provisions of this article~~ exempts the
 27 petitioner from the provisions of this title, except as provided in this article, or any state or
 28 local rule, regulation, policy, or procedure relating to schools within an applicable school
 29 system regardless of whether such rule, regulation, policy, or procedure is established by
 30 the local board, the State Board of Education, or the Department of Education; provided,
 31 however, that the state board may establish rules, regulations, policies, or procedures
 32 consistent with this article relating to charter schools. In exchange for such a waiver, the
 33 school agrees to meet or exceed the performance based goals included in the petition and
 34 approved by the local board, including but not limited to raising student achievement."

SECTION 11.

Said chapter is further amended by striking Code Section 20-2-290, relating to organization of schools, and inserting in its place a new Code Section 20-2-290 to read as follows:

"20-2-290.

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

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

~~(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. For students not performing on grade level, as defined by the Office of Education Accountability, the 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;~~

~~(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~~

1 ~~exploratory classes if the parent or guardian of such a student requests such~~
 2 ~~assignment, subject to availability; and~~
 3 ~~(3) An an interdisciplinary team of academic teachers with common planning time of~~
 4 ~~a minimum of 55 minutes.~~
 5 ~~(c) Local school systems shall comply with subsection (b) of this Code section in order~~
 6 ~~to qualify for the middle school program.~~
 7 ~~(d)(c) If a local school system has a combination of qualified and nonqualified schools,~~
 8 ~~it shall qualify for the middle school program only for those students counted in the~~
 9 ~~full-time equivalent count for the middle school program in qualified middle schools."~~

10 SECTION 12.

11 Said chapter is further amended by striking Code Section 20-2-2063, relating to petitions
 12 to establish charter schools, and inserting in its place a new Code Section 20-2-2063 to
 13 read as follows:

14 "20-2-2063.

15 The State Board of Education shall promulgate rules, regulations, policies, and
 16 procedures to govern the contents of a charter petition, ~~provided that the following shall~~
 17 ~~be required at a minimum:~~

18 ~~(1) The state board shall require that a petition designate the performance to be~~
 19 ~~improved and how it will be improved through the waiver of specifically identified~~
 20 ~~state and local rules, regulations, policies, and procedures, or provisions of this title~~
 21 ~~other than the provisions of this article;~~

22 ~~(2) The state board shall require that a petition describe how it will measure the~~
 23 ~~improvement in such performance and over what period of time, provided that such~~
 24 ~~requirement shall not waive the accountability provisions of Part 3 of Article 2 of~~
 25 ~~Chapter 14 of this title; and~~

26 ~~(3) The state board shall require that a petition demonstrate how any such waiver~~
 27 ~~does not undermine and is consistent with the intent of the waived state and local~~
 28 ~~rules, regulations, policies, and procedures, or the provisions of this title."~~

29 SECTION 13.

30 Said chapter is further amended by striking Code Section 20-2-2065, relating to
 31 operation, control, and management requirements for charter schools, and inserting in its
 32 place a new
 33 Code Section 20-2-2065 to read as follows:

34 "20-2-2065.

1 (a) Except as provided in this article and in the charter, a charter school shall not be
 2 subject to the provisions of this title or any state or local rule, regulation, policy, or
 3 procedure relating to schools within an applicable school system regardless of whether
 4 such rule, regulation, policy, or procedure is established by the local board, the state
 5 board, or the Department of Education; provided, however, that the state board may
 6 establish rules, regulations, policies, or procedures consistent with this article relating to
 7 charter schools.

8 (b) In determining whether to waive, as sought by the petitioner, specifically identified
 9 state and local rules, regulations, policies, and procedures, and provisions of this title
 10 other than the provisions of this article to approve a charter petition or renew an existing
 11 charter, the local board and state board shall ensure that a charter school shall be:

12 (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based,
 13 provided that a charter school's nonprofit status shall not prevent the school from
 14 contracting for the services of a for profit entity;

15 (2) Subject to the control and management of the local board of the local school
 16 system in which the charter school is located, as provided in the charter and in a
 17 manner consistent with the Constitution, if a local charter school;

18 (3) Subject to the supervision of the state board, as provided in the charter and in a
 19 manner consistent with the Constitution, if a state chartered special school;

20 (4) Organized and operated as a nonprofit corporation under the laws of this state;
 21 provided, however, that this paragraph shall not apply to conversion charter schools;

22 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
 23 relating to civil rights; insurance; the protection of the physical health and safety of
 24 school students, employees, and visitors; conflicting interest transactions; and the
 25 prevention of unlawful conduct;

26 (6) Subject to all laws relating to unlawful conduct in or near a public school;

27 (7) Subject to an annual financial audit in the manner specified in the charter;

28 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
 29 provisions shall apply with respect to charter schools whose charters are granted or
 30 renewed on or after July 1, 2000;

31 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
 32 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

33 (10) Subject to the requirement that it shall not charge tuition or fees to its students
 34 except as may be authorized for local boards by Code Section 20-2-133; and

35 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
 36 quiet reflection."

1 **SECTION 14.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming
3 law without such approval.

4 **SECTION 15.**

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