

Senate Bill 249

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

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 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 legislative intent with respect to charter schools; to change
 13 certain provisions regarding organization of schools; to change certain provisions regarding
 14 petitions to establish charter schools; to change certain provisions regarding operation,
 15 control, and management requirements for charter schools; to provide for related matters; to
 16 provide an effective date; to repeal conflicting laws; and for other purposes.

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

18 **SECTION 1.**

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

22 "20-2-86.

23 (a) By October 1, 2001, each local board of education that elects to participate in the
 24 Quality Basic Education Program provided for in Article 6 of this chapter shall have a
 25 school council operational at a minimum of one high school, one middle school, and one
 26 elementary school, except that if a school system does not have its schools organized in this

1 manner the system shall designate schools for a school council as closely to the intent of
 2 this Code section as possible. By October 1, 2002, each local board of education shall have
 3 a school council operational in a minimum of 50 percent of the schools under its
 4 jurisdiction. Such school council shall operate pursuant to this Code section, and the local
 5 board of education shall assist all councils in their creation and operation. After two years
 6 of successful operation, and upon receiving a high performance designation by the ~~Office~~
 7 ~~of Education Accountability~~ Office of Student Achievement of the Department of
 8 Education, the local board of education shall devolve to the school council such additional
 9 authority in matters of school operation as the local board deems appropriate. By October
 10 1, 2003, each local board of education shall have a school council operational in each of
 11 the schools under its jurisdiction.

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

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

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

- 34 (1) ~~Two~~ A number of parents or guardians of students enrolled in the school, excluding
 35 employees who are parents or guardians of such students, so that such parents or
 36 guardians make up a majority of the council and at least two of whom shall be
 37 businesspersons;

1 (2) ~~Two businesspersons, one of whom shall be selected by the local board of education~~
 2 ~~and one of whom~~ Other businesspersons may serve on the council and shall be selected
 3 by the other ~~five nonbusiness~~ members of the school council from the business partners
 4 of the school or, if there are no business partners, from the local business community;

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

8 (4) The school principal.

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

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

19 (1) If a member shall resign;

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

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

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

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

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

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

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

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

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

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

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

30 ~~(6)~~(1) Work to improve student achievement and performance; ;

31 ~~(5)~~(2) Encourage the participation of parents and others within the school community;

32 ~~and~~

33 ~~(1)~~(3) Maintain a school-wide perspective on issues;

34 ~~(2)~~(4) Regularly participate in council meetings;

35 ~~(3)~~(5) Participate in information and training programs; and

36 ~~(4)~~(6) Act as a link between the school council and the community; ;

1 (l) The minutes of the council shall be made available to the public, for inspection at the
 2 school office, and shall be provided to the councilmembers, each of whom shall receive a
 3 copy of such minutes within 20 days following each council meeting. All school councils
 4 shall be subject to Article 4 of Chapter 18 of Title 50, relating to the inspection of public
 5 records, in the same manner as local boards of education.

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) ~~Serve as chairperson of the school council and perform~~ Perform all of the duties
 5 required by law and the bylaws of the council;

6 (3) ~~Speak for and represent the council in all school council matters before the local~~
 7 ~~board of education;~~

8 (4)(3) Communicate all council requests for information and assistance to the local
 9 school superintendent and inform the council of responses or actions of the local school
 10 superintendent;

11 (5)(4) Develop the school improvement plan and school operation plan and submit the
 12 plans to the school council for its review, comments, recommendations, and approval;
 13 and

14 (6)(5) Aid in the development of ~~Develop~~ the agenda for each meeting of the council
 15 after taking into consideration suggestions of councilmembers and the urgency of school
 16 matters. An item may be added to the agenda at the request of three or more
 17 councilmembers; and

18 (7) ~~Provide to the council the initial and midterm allotment sheets for the school that are~~
 19 ~~provided by the Department of Education pursuant to Article 6 of this chapter.~~

20 (s) School councils are advisory bodies. The councils shall provide advice and
 21 recommendations to the school principal and, where appropriate, the local board of
 22 education on any matter, including but not limited to, the following:

23 (1) School calendar;

24 (2) School codes for conduct and dress;

25 (3) Curriculum, program goals, and priorities;

26 (4) The school's improvement plan;

27 (4)(5) The responses of the school to audits of the school as conducted by the ~~Office of~~
 28 ~~Education Accountability~~ Office of Student Achievement of the Department of
 29 Education;

30 (5)(6) Preparation and distribution to the community of a school profile which shall
 31 contain data as identified by the council to describe the academic performance, academic
 32 progress, services, awards, interventions, environment, and other such data as the council
 33 deems appropriate;

34 (6)(7) In the case of a vacancy in the position of school principal due to transfer,
 35 retirement, resignation, or termination, the recommendation of a school principal from
 36 a list of qualified applicants submitted by the local board of education and local school
 37 superintendent to the council;

1 students. A student shall be assigned to the early intervention program as soon as is
 2 practicable after the student is identified as at risk or after the results of the first-grade
 3 readiness assessment, or the criterion-referenced assessment, or other indicators are known.

4 The school shall provide timely notice and an opportunity for a conference with the student
 5 and his or her parents or guardians to discuss the student's academic performance and the
 6 role of the early intervention program.

7 (c) The State Board of Education shall describe by rules and regulations such additional
 8 services, resources, support, or strategies as may be provided by the local school system.

9 The specifications for delivery of early intervention services shall be the responsibility of
 10 local boards of education except that the program rules and regulations adopted by the
 11 State Board of Education shall be followed in designing the program delivery models.
 12 Delivery models may include, but are not limited to, class augmentation, pull-out or
 13 self-contained classes, and the Reading Recovery Program delivered by certificated
 14 personnel.

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

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

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

28 SECTION 3.

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

32 "20-2-167.

33 (a)(1) The State Board of Education shall annually compute, based upon the initial
 34 allotment of funds to each local school system, the total funds needed for direct
 35 instructional costs for each program identified in Code Section 20-2-161, specifying the
 36 number of positions earned and salaries and operational costs portions. 'Direct

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

1 ~~direct instructional costs must be returned to the state treasury~~ instruction shall be
 2 expended for direct instruction. Only the state salary amounts resulting from the amount
 3 earned on the state-wide salary schedule as approved by the State Board of Education
 4 pursuant to Code Section 20-2-212 plus associated benefits funded by the state and the
 5 salaries and any state earned benefits or comparable state earned benefits of technology
 6 specialists and classroom aides may be applied to the salary cost components for the
 7 purpose of meeting this expenditure control. In the event any local school system should
 8 fail to expend funds earned for direct instruction on direct instructional costs, the state
 9 board shall increase the local five mill share for an ensuing year by the difference.

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

21 (3) The state board shall annually compute, based upon the initial allotment of funds to
 22 each local school system, the total funds needed system wide for staff development costs.
 23 In computing the total funds needed for these categories, the state board shall apply the
 24 percentage that these costs represent of the total costs used in developing the program
 25 weights. Following the midterm adjustment, the state board shall issue allotment sheets
 26 for each local school system ~~and each school~~ reflecting the total amount, initial earnings,
 27 and midterm adjustment, if any, of earnings for each program specified in subsection (b)
 28 of Code Section 20-2-161. ~~Each local school system shall spend 100 percent of the funds~~
 29 ~~designated for staff and professional development costs, as allowed by State Board of~~
 30 ~~Education policy, for such costs. For each local school system which is granted an~~
 31 ~~additional allotment for the midterm adjustment pursuant to Code Section 20-2-162, these~~
 32 ~~amounts shall be increased by the portion of the midterm adjustment allotment which is~~
 33 ~~applied to staff development. In the event a local school system does not actually enroll~~
 34 ~~the full-time equivalent count that was anticipated by its initial allocation and it elects to~~
 35 ~~return a portion of its allocation for staff development and professional development costs~~
 36 ~~to the state, the 100 percent amount for staff development shall be reduced by that~~
 37 ~~returned amount. Quality Basic Education Formula funds in excess of the amount~~

1 required by this paragraph to be expended by a local school system for staff development
 2 and professional development of certificated and instructional personnel which are not
 3 expended for this purpose may be expended only for staff development of noncertificated
 4 personnel employed by the local school system and the members of the local school
 5 board, for meeting certification requirements of personnel, and for administration and
 6 operation of the staff development and professional development programs authorized
 7 pursuant to subsection (h) of Code Section 20-2-182.

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

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

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

37 (A) Instructional program involved;

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

2 (C) Fund source or sources; and

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

6 (2) The state board shall prescribe information that must be submitted to the state board
7 and the time it must be submitted. In determining the information needed and the time for
8 submission, the state board shall take into consideration the information and times
9 ~~identified by the Office of Education Accountability as necessary to the~~ necessary for
10 implementation of the accountability program ~~provided for in Part 3 of Article 2 of~~
11 ~~Chapter 14 of this title.~~ The state board is authorized to establish a financial review
12 section for the limited purpose of reviewing financial records and accounting of local
13 governing boards and assisting local units of administration in training personnel in
14 financial and budgetary accounting.

15 (c) The State Board of Education is authorized to prescribe a date by which each local unit
16 of administration must submit a budget to the state board. The regulations developed by
17 the state board must make adequate provision for local review and modification prior to
18 local approval and submittal to the State School Superintendent. The State School
19 Superintendent shall provide for the examination and preparation of a written report on the
20 budget of each local unit and submit a copy to the state board and to the respective local
21 unit of administration. The state board shall either accept or reject the budget of a local
22 unit.

23 (d) The standards set forth in this article shall be construed as setting out a basic plan for
24 the direction of the State Board of Education in planning a program and presenting
25 proposals to the Governor and to the General Assembly. Nothing in this article shall be
26 construed as amending or modifying in any way Part 1 of Article 4 of Chapter 12 of Title
27 45, known as the 'Budget Act.' The state board shall, in all of its programs involving
28 allocation or expenditure of funds, be governed and controlled by Part 1 of Article 4 of
29 Chapter 12 of Title 45 and all other laws of general application pertaining to the handling
30 and expenditure of state funds, none of which ~~are~~ is amended, modified, or repealed by this
31 article unless specifically so provided in this article."

32 SECTION 4.

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

1 "20-2-182.

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

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

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

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

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

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

31 (f) Reserved.

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

1 in order to deliver educational services to enrolled students, subject to appropriation by the
2 General Assembly.

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

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

1 set by the State Board of Education. For each instructional program, the maximum number
 2 of students who may be taught by a teacher in an instructional period shall not exceed the
 3 system average maximum class size for the program by more than two students; provided,
 4 however, that a system average maximum class size which results in a fractional full-time
 5 equivalent shall be rounded up to the nearest whole number. For a period not to exceed
 6 ~~four~~ five years, beginning with the 2000-2001 school year, local school systems shall be
 7 allowed to exceed the maximum class sizes set forth in this subsection in a manner
 8 consistent with State Board of Education rules. The State Board of Education shall lower
 9 the current maximum class sizes set by state board rules in effect for the 1999-2000 school
 10 year, beginning with the 2000-2001 school year, by ~~a proportional amount each school year~~
 11 an amount so that, beginning with the ~~2003-2004~~ 2004-2005 school year, State Board of
 12 Education rules are in compliance with this subsection. An aide may be used in programs
 13 to increase class size as allowed by State Board of Education rule, except that, beginning
 14 with the 2004-2005 school year, an aide shall not be used to increase the maximum class
 15 size in kindergarten or grades one through three. The maximum class size for the
 16 kindergarten and primary grades programs is defined as the number of students in a
 17 physical classroom. Maximum class sizes that result in a fractional full-time equivalent
 18 shall be rounded up to the nearest whole number as needed. The middle school program
 19 shall use the teacher-student ratio of the middle grades program for the purpose of this
 20 subsection. The number of students taught by a teacher at any time after the first 15 school
 21 days of a school year may not exceed the maximum such number unless authorization for
 22 a specific larger number is requested of the state board, along with the educational
 23 justification for granting the requested exemption, and the state board has approved said
 24 request. The state board shall not reduce class sizes without the authorization of the
 25 General Assembly; if this reduction necessitates added costs for facilities, personnel, and
 26 other program needs. Local boards of education may reduce class sizes, build additional
 27 facilities, and provide other resources at local cost if such actions are in the best interest of
 28 the local school systems' programs as determined by the local boards of education."

29 **SECTION 5.**

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

33 "20-2-184.1.

34 The program weights for the kindergarten, kindergarten early intervention, primary,
 35 primary grades early intervention, upper elementary, upper elementary grades early
 36 intervention, middle grades, middle school, and remedial programs and the program

1 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 2 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 3 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 4 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 5 funds shall be used for addressing the academic needs of low-performing students with
 6 programs including, but not limited to, instructional opportunities for students beyond the
 7 regular school day, Saturday classes, intersession classes, and summer school classes.
 8 Following the midterm adjustment, the state board shall issue allotment sheets for each
 9 local school system. Each local school system shall spend 100 percent of the funds
 10 designated for additional days of instruction for such costs at the system level."

11 **SECTION 6.**

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

15 "20-2-200.

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

34 (b) The Professional Standards Commission shall establish rules and regulations for
 35 appropriate requirements and procedures to ensure high-quality certification standards for

1 all Georgia educators while facilitating the interstate mobility of out-of-state certified
2 educators.

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

10 (2) Requirements established for holders of valid, professional out-of-state certificates
11 applying for their first Georgia certificate may include, but are not limited to the
12 following: computer skill competency; course work in the identification and education
13 of children who have special educational needs; recency of study; and standards of ethical
14 conduct. These requirements may be completed during the validity period of the first
15 Georgia certificate. At the time of application for the first Georgia certificate,
16 satisfactory proficiency in subject matter content appropriate to the applicant's field of
17 certification may be determined based on Professional Standards Commission approved
18 tests or combinations of successful teaching experience and academic, technical, and
19 professional preparation as outlined in rules of the Professional Standards Commission.

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

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

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

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

5 ~~(2) Before granting a renewable certificate to an applicant, the commission is authorized~~
6 ~~to require the applicant to demonstrate satisfactory proficiency on a test of oral and~~
7 ~~written communication skills, a test of computer skill competency, and an assessment to~~
8 ~~demonstrate satisfactory on-the-job performance appropriate to the applicant's field of~~
9 ~~certification. Successful completion of the phase one InTech model training at a state~~
10 ~~educational technology training center or by a State Board of Education approved~~
11 ~~redelivery team shall be acceptable for certificate renewal purposes. The on-the-job~~
12 ~~performance of teachers shall be assessed by the instrument developed pursuant to Code~~
13 ~~Section 20-2-210. When used for initial renewable certification, the extended form~~
14 ~~version of such instrument shall be used with the following additional requirements: the~~
15 ~~applicant shall produce for the days to be observed a brief written lesson plan appropriate~~
16 ~~and sufficient for the demonstration of essential skills; the scheduling of observation~~
17 ~~periods and intervals between them shall be designed to allow the teacher an adequate~~
18 ~~opportunity to demonstrate the essential skills; at least one evaluator shall be external to~~
19 ~~the school system in which the assessment is taking place and each evaluator is certified~~
20 ~~by the commission as qualified to administer the assessment; on-the-job performance~~
21 ~~shall be evaluated on criteria set by the commission which will ensure demonstration of~~
22 ~~effective teaching practices.~~

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

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

33 ~~(B) The applicant has held a professional leadership certificate issued by any state in~~
34 ~~the United States at a level above the master's degree and has satisfactorily performed~~
35 ~~appropriate leadership duties on a full-time basis for at least five of the past eight years~~
36 ~~in regionally accredited private schools of this state or another state, or an accrediting~~
37 ~~agency with criteria and procedures equivalent to or greater than a regional accrediting~~

1 ~~association as determined solely by the Professional Standards Commission, or in~~
2 ~~public schools of this state or another state, or a combination thereof.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (d) No applicant who is under review by the commission shall be allowed to withdraw his
 35 or her application for a certificate, permit, or other certification document without the
 36 written consent of the commission. The commission shall retain its authority over those
 37 applicants to proceed with the denial of the certificate, permit, or other certification

1 document upon any ground provided by law, or to enter an order denying the certificate,
 2 permit, or other certification document upon any ground provided by law. The suspension
 3 or expiration of any certificate, permit, or certification document, or its surrender without
 4 the written consent of the commission, shall not deprive the commission of its authority to
 5 do any of the following:

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

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

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

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

- 15 (A) For an applicant for initial certification who is not currently employed
 16 in Georgia public or private schools \$ 20.00
- 17 (B) For an applicant for initial certification who is not a graduate of an
 18 accredited education program from a Georgia college or university 20.00
- 19 (C) For an applicant for a higher certificate when the applicant then holds
 20 a Georgia certificate but who is not currently employed in Georgia public or
 21 private schools 20.00
- 22 (D) For an applicant for a certificate which adds a field or which endorses
 23 a certificate but who is not currently employed in Georgia public or private
 24 schools 20.00
- 25 (E) For an applicant for a conditional certificate 20.00
- 26 (F) For an applicant for the renewal of any certificate if the applicant is not
 27 currently employed by a public or private school in Georgia 20.00
- 28 (G) For evaluating transcripts where certificates are not issued and for
 29 issuing duplicate copies of certificates 20.00

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

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

35 ~~(f) No applicant who is under review by the commission shall be allowed to withdraw his~~
 36 ~~or her application for a certificate, permit, or other certification document without the~~

1 ~~written consent of the commission. The commission shall retain its authority over those~~
 2 ~~applicants to proceed with the denial of the certificate, permit, or other certification~~
 3 ~~document upon any ground provided by law, or to enter an order denying the certificate,~~
 4 ~~permit, or other certification document upon any ground provided by law. The suspension~~
 5 ~~or expiration of any certificate, permit, or certification document, or its surrender without~~
 6 ~~the written consent of the commission, shall not deprive the commission of its authority to~~
 7 ~~do any of the following:~~

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

10 ~~(2) Enter an order suspending or revoking the certificate, permit, or other certification~~
 11 ~~document; or~~

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

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

17 SECTION 7.

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

21 "20-2-201.

22 ~~(a) Any person certified as a teacher, principal, or guidance counselor pursuant to Code~~
 23 ~~Section 20-2-200 shall have satisfactorily completed coursework of five or more quarter~~
 24 ~~hours, approved by the Professional Standards Commission, in the identification and~~
 25 ~~education of children who have special educational needs or shall have satisfactorily~~
 26 ~~completed an equivalent preparation in a staff development program designed for this~~
 27 ~~purpose, provided such staff development program shall have received prior approval of~~
 28 ~~the commission for that purpose. As used in this subsection, 'children who have special~~
 29 ~~educational needs' is defined as gifted children and children who receive educational~~
 30 ~~services under an Individualized Education Plan. Teachers, principals, and guidance~~
 31 ~~counselors who have satisfactorily completed coursework in other states at least~~
 32 ~~comparable with the requirements of this Code section may be certified by the Professional~~
 33 ~~Standards Commission. Those teachers, principals, and guidance counselors of other states,~~
 34 ~~those applicants completing noneducation programs who are otherwise eligible for~~
 35 ~~provisional certification in Georgia, and those teachers with lapsed Georgia teaching~~
 36 ~~certificates who are otherwise eligible for emergency certificates who would be employed~~

1 ~~and certified in Georgia schools but lack the requirements of this subsection shall have a~~
 2 ~~period of time not to exceed two years from the date of employment to obtain the~~
 3 ~~prescribed training.~~

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

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

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

29 SECTION 8.

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

33 "20-2-204.

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

35 ~~(1) 'Aide' is defined as a person who may have less than professional training and who~~
 36 ~~takes no independent actions and has no decision-making authority but performs routine~~

1 ~~tasks assigned by higher certificated personnel. An aide who works as an instructional~~
 2 ~~aide shall possess the minimum of a high school diploma or a general educational~~
 3 ~~development (GED) diploma.~~

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

5 ~~(3)~~(1) 'Paraprofessional' is defined as a person who may have less than professional-level
 6 certification, who relates in role and function to a professional and does a portion of the
 7 professional's job or tasks under the supervision of the professional, and whose
 8 decision-making authority is limited and regulated by the professional. Such a
 9 paraprofessional shall possess the minimum of a high school diploma or a general
 10 educational development (GED) diploma. If assigned to positions governed by federal
 11 regulations, the paraprofessional must meet specified federal hiring requirements.

12 ~~(4)~~(2) 'Permitted personnel' is defined as persons who may not qualify for professional
 13 certificates, including retired teachers, but who function in the educational programs in
 14 the same manner as certificated personnel. Such personnel qualify for their positions on
 15 the basis of experience rather than formal education.

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

24 SECTION 9.

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

28 "20-2-2061.

29 It is the intent of the General Assembly to provide a means whereby a petitioner may seek
 30 a performance based contract called a charter, which ~~ties improved performance to the~~
 31 ~~waiver of specifically identified state and local rules, regulations, policies, procedures, and~~
 32 ~~identified provisions of this title other than the provisions of this article~~ exempts the
 33 petitioner from the provisions of this title, except as provided in this article, or any state or
 34 local rule, regulation, policy, or procedure relating to schools within an applicable school
 35 system regardless of whether such rule, regulation, policy, or procedure is established by
 36 the local board, the State Board of Education, or the Department of Education; provided,

1 however, that the state board may establish rules, regulations, policies, or procedures
 2 consistent with this article relating to charter schools. In exchange for such a waiver, the
 3 school agrees to meet or exceed the performance based goals included in the petition and
 4 approved by the local board, including but not limited to raising student achievement."

5 **SECTION 10.**

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

8 "20-2-290.

9 (a) The board of education of any local school system is authorized to organize or
 10 reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction.

11 Local school systems which have organized their schools in such a manner that facilities
 12 house grades six, seven, and eight or grades seven and eight shall qualify for the middle
 13 school program for students in grade levels so housed. A school which houses grades other
 14 than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven
 15 and eight or six, seven, and eight and another full-time principal for grades above or below
 16 the middle school grades; provided, however, that such schools also meet all other
 17 provisions of this Code section. Schools with students in the sixth grade shall not be
 18 eligible for the middle school program if the sixth grades are not housed in middle schools
 19 which also contain both grades seven and eight. Further, two or more adjacent local school
 20 systems shall qualify for the middle school program if through their contractual
 21 arrangement they jointly meet the requirements of this Code section and the criteria and
 22 standards prescribed by the state board.

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

26 ~~(1) A minimum of five hours of instruction in English and language arts, reading,~~
 27 ~~mathematics, science, social studies, and such other academic subjects as the State Board~~
 28 ~~of Education shall prescribe. For students not performing on grade level, as defined by~~
 29 ~~the Office of Education Accountability, the minimum of five hours shall include such~~
 30 ~~remedial academic instruction in English and language arts, reading, mathematics,~~
 31 ~~science, or social studies as required to bring such students to grade level performance~~
 32 ~~with the priority for such remediation being placed on reading and mathematics or as~~
 33 ~~otherwise determined by the student's team of academic teachers; provided that, in~~
 34 ~~making such a determination the team shall consider the student's performance on the~~
 35 ~~criterion-referenced assessments authorized in Code Section 20-2-181;~~

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

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

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

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

13 SECTION 11.

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

17 "20-2-2063.

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

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

25 ~~(2) The state board shall require that a petition describe how it will measure the~~
 26 ~~improvement in such performance and over what period of time, provided that such~~
 27 ~~requirement shall not waive the accountability provisions of Part 3 of Article 2 of Chapter~~
 28 ~~14 of this title; and~~

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

32 SECTION 12.

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

1 "20-2-2065.

2 (a) Except as provided in this article and in the charter, a charter school shall not be subject
 3 to the provisions of this title or any state or local rule, regulation, policy, or procedure
 4 relating to schools within an applicable school system regardless of whether such rule,
 5 regulation, policy, or procedure is established by the local board, the state board, or the
 6 Department of Education; provided, however, that the state board may establish rules,
 7 regulations, policies, or procedures consistent with this article relating to 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 other
 10 than the provisions of this article to approve a charter petition or renew an existing charter,
 11 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 system
 16 in which the charter school is located, as provided in the charter and in a manner
 17 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 13.**

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

4 **SECTION 14.**

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