

Senate Bill 440

By: Senators Hamrick of the 30th, Harp of the 29th, Kemp of the 46th, Shafer of the 48th and Schaefer of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 eliminate the Construction Reserve Trust Fund and the appropriation of lottery funds to the
3 fund; to eliminate the use of lottery funds for teacher training in computers and technology;
4 to eliminate the use of lottery funds by the board of regents for training professors and
5 instructors in computers and technology; to eliminate the use of lottery funds by the
6 Department of Technical and Adult Education for training teachers in computers and
7 technology; to amend Code Section 50-27-3 of the Official Code of Georgia Annotated,
8 relating to definitions regarding the lottery for education, so as to provide that the term
9 "educational purposes and programs" shall not include capital outlay projects for educational
10 facilities and teacher training in computers and technology; to provide for related matters; to
11 provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
15 striking Code Section 20-1-8, relating to placement of lottery funds into the Construction
16 Reserve Trust Fund, and inserting in lieu thereof the following:

17 "20-1-8.

18 ~~Any lottery funds appropriated for purposes of new capital construction shall be placed in~~
19 ~~a Construction Reserve Trust Fund to be maintained by the appropriate fiscal officers of~~
20 ~~state government. Funds so placed in the Construction Reserve Trust Fund shall be deemed~~
21 ~~to be committed for educational purposes and programs in compliance with subsection (d)~~
22 ~~of Code Section 50-27-13. Any such funds must be designated by project by the appropriate~~
23 ~~educational agency no later than June 30 of the fiscal year for which the funds were~~
24 ~~appropriated. Any such funds must be contractually obligated no later than June 30 of the~~
25 ~~fiscal year following the fiscal year for which the funds were appropriated. Any funds not~~
26 ~~designated or contractually obligated within such time periods shall lapse; and additionally~~

1 ~~any funds not expended as originally designated and obligated within 24 months after the~~
 2 ~~close of the fiscal year for which such funds were originally appropriated shall lapse. Any~~
 3 ~~funds so lapsing shall lapse to the general fund of the state treasury and shall be credited to~~
 4 ~~the Lottery for Education Account. Reserved.~~"

5 **SECTION 2.**

6 Said title is further amended by striking Code Section 20-2-252, relating to electronic
 7 technology, and inserting in lieu thereof the following:

8 "20-2-252.

9 (a) Local school systems shall develop long-term system-wide electronic technology plans
 10 which list assessed needs; describe the planned phasing in of the computer hardware,
 11 software, and related electronic technology necessary to address the assessed needs; and
 12 contain such other items as the State Board of Education may deem necessary for an
 13 effective electronic technology plan. The state board shall adopt a long-term state-wide
 14 electronic technology plan which is reflective of needs identified state wide and the
 15 priorities and planned actions designed to address such needs. The state board shall
 16 prescribe the method and frequency by which such electronic technology plans shall be
 17 updated.

18 (b) The State Board of Education shall grant funds to local units of administration to be
 19 used to purchase computer hardware, software, and related electronic technology and to
 20 finance the costs of staff development programs pertaining to the use and application of
 21 computers and related electronic technology in educational programs and services, subject
 22 to appropriation by the General Assembly. The amount of funds granted to any local school
 23 system shall be based upon the extent of need as reflected in its electronic technology plan,
 24 the consistency of such need with the priorities established by the state board's state-wide
 25 plan, and such other considerations as deemed necessary by the state board. The amount
 26 of local funds required may be based upon the ability of a local school system to pay a share
 27 of the cost relative to the ability of other local school systems in the state to pay their share
 28 of such cost. Such local funds shall be in excess of the local funds required for the local five
 29 mill share pursuant to Code Section 20-2-164 and in excess of the local funds required as
 30 a portion of the costs for other grant programs authorized under this article.

31 (c) The State Board of Education shall evaluate hardware and software, disseminate
 32 effective software, provide technical assistance and staff development training to local units
 33 of administration, and perform such other related functions as deemed necessary by the state
 34 board.

35 (d) The State Board of Education shall prescribe criteria, policies, and standards deemed
 36 necessary for the effective implementation of this Code section and shall take all actions

1 deemed necessary to facilitate the adoption and effective utilization of computers and
 2 related electronic technology in improvement of the operations of educational programs and
 3 services in the state.

4 ~~(e) The State Board of Education shall prescribe criteria, policies, and standards deemed
 5 necessary for the effective implementation of a program financed wholly or partially from
 6 appropriations from the Lottery for Education Account and established for the purpose of
 7 providing teachers the necessary training in the use and application of computers and
 8 advanced electronic instructional technology to implement interactive learning
 9 environments in the classroom and to access the state-wide distance learning network. The
 10 State Board of Education shall expend funds appropriated for such purpose to defray the
 11 costs associated with repairing and maintaining advanced electronic instructional
 12 technology."~~

13 **SECTION 3.**

14 Said title is further amended by repealing Code Section 20-3-77.1, relating to training
 15 programs for professors and instructors in computers and advanced electronic instructional
 16 technology, which reads as follows:

17 "20-3-77.1.

18 The board of regents shall prescribe criteria, policies, and standards deemed necessary for
 19 the effective implementation of programs within the university system financed wholly or
 20 partially from appropriations from the Lottery for Education Account and established for
 21 the purpose of providing professors and instructors the necessary training in the use and
 22 application of computers and advanced electronic instructional technology to implement
 23 interactive learning environments in the classroom and to access the state-wide distance
 24 learning network. Such programs shall include the expenditure of funds to defray the costs
 25 associated with repairing and maintaining advanced electronic instructional technology."

26 **SECTION 4.**

27 Said title is further amended in Code Section 20-4-11, relating to the powers of the State
 28 Board of Technical and Adult Education, by striking paragraph (9), and inserting in lieu
 29 thereof the following:

30 ~~"(9) Prescribe criteria, policies, and standards deemed necessary for the effective
 31 implementation of a program financed wholly or partially from appropriations from the
 32 Lottery for Education Account and established for the purpose of providing teachers the
 33 necessary training in the use and application of computers and advanced electronic
 34 instructional technology to implement interactive learning environments in the classroom
 35 and to access the state-wide distance learning network. Such program shall include the~~

1 ~~expenditure of funds appropriated for such purpose to defray the costs associated with~~
 2 ~~repairing and maintaining advanced electronic instructional technology~~ Reserved;"

3 **SECTION 5.**

4 Code Section 50-27-3 of the Official Code of Georgia Annotated, relating to definitions
 5 regarding the lottery for education, is amended by striking paragraph (8), and inserting in lieu
 6 thereof the following:

7 "(8) 'Educational purposes and programs' means ~~capital outlay projects for educational~~
 8 ~~facilities;~~ tuition grants, scholarships, or loans to citizens of this state to enable such citizens
 9 to attend colleges and universities located within this state, regardless of whether such
 10 colleges and universities are owned or operated by the board of regents or to attend
 11 institutions operated under the authority of the Department of Technical and Adult
 12 Education; ~~costs of providing to teachers at accredited public institutions who teach levels~~
 13 ~~K-12, personnel at public postsecondary technical institutes under the authority of the~~
 14 ~~Department of Technical and Adult Education, and professors and instructors within the~~
 15 ~~University System of Georgia the necessary training in the use and application of computers~~
 16 ~~and advanced electronic instructional technology to implement interactive learning~~
 17 ~~environments in the classroom and to access the state-wide distance learning network;~~ costs
 18 ~~associated with repairing and maintaining advanced electronic instructional technology;~~
 19 voluntary pre-kindergarten; and an education shortfall reserve."

20 **SECTION 6.**

21 This Act shall become effective January 1, 2007, only if there is approved at the 2006 general
 22 election a constitutional amendment to protect lottery funds so that they may be reserved only
 23 for the HOPE Scholarship Program and other tuition grants, scholarships, or loans to enable
 24 citizens of this state to attend colleges and universities within this state; for voluntary
 25 pre-kindergarten; and for educational shortfall reserves. If such constitutional amendment is
 26 not so ratified at the 2006 general election, this Act shall not become effective and shall stand
 27 repealed in its entirety on January 1, 2007.

28 **SECTION 7.**

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