

Senate Bill 118

By: Senators Hamrick of the 30th and Heath of the 31st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-2-260 of the Official Code of Georgia Annotated, relating to  
2 capital outlay funds generally, so as to change certain provisions relating to educational  
3 facilities surveys; to provide that zoning actions and permits for new development shall be  
4 considered as potential growth indicators for purposes of the state-wide needs assessment and  
5 development of local needs assessments; to provide that an educational facilities plan may  
6 be revised due to unanticipated accelerated student enrollment growth over a two-year  
7 period; to provide that a local school system can request capital outlay funds on a  
8 reimbursement basis or prior to or during construction; to provide that the computerized  
9 student projection program shall consider zoning actions and permits for new development  
10 shall be considered as potential growth indicators; to provide for related matters; to repeal  
11 conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 Code Section 20-2-260 of the Official Code of Georgia Annotated, relating to capital outlay  
15 funds generally, is amended by revising subsections (c), (d), and (m) as follows:

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

20 (1) To adopt policies, guidelines, and standards for the annual physical facility and real  
21 property inventory required of each local school system. This inventory shall include,  
22 but not be limited to: parcels of land; number of educational facilities; year of  
23 construction and design; size, number, and type of construction space; amount of  
24 instructional space in permanent and temporary buildings; designations for each  
25 instructional space in permanent and temporary buildings occupied by designated state

1 approved instructional programs, federal programs, or local programs not required by the  
2 state; local property assessment for bond purposes; outstanding school bonds and annual  
3 debt service; and buildings and facilities not in use or rented or leased to individuals or  
4 other agencies of government, or used for other than instructional programs required by  
5 this article, each identified by its current use. Department of Education staff shall  
6 annually review, certify the accuracy of, and approve each local school system's  
7 inventory;

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

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

1 (4) To adopt uniform rules, regulations, policies, standards, and criteria respecting all  
2 location, construction, equipping, operating, maintenance, and use of educational  
3 facilities as may be reasonably necessary to assure effective, efficient, and economical  
4 operation of the schools and all phases of the public education program provided for  
5 under the provisions of this article. Such matters shall include, but not be limited to, the  
6 method, manner, type, and minimum specifications for construction and installation of  
7 fixtures and equipment in educational facilities; space requirements per student; number  
8 and size of classrooms; allowable construction costs based on current annual construction  
9 cost data maintained by the Department of Education; and other requirements necessary  
10 to ensure adequate, efficient, and economical educational facilities. The state board shall  
11 adopt policies or standards which shall allow renovation costs up to the amount of new  
12 construction of a replacement facility, provided that the renovated facility provides  
13 comparable instructional and supportive space and has an extended life comparable to  
14 that of a new facility. Except for satisfying the most recent life safety codes, facilities  
15 which are undergoing renovation, modernization, or additions shall otherwise meet  
16 requirements applicable to them prior to renovation, modernization, or additions,  
17 provided that such additions do not increase the student capacity of the facility  
18 substantially above the capacity for which it was designed;

19 (5) To develop a state-wide needs assessment for purposes of planning and developing  
20 policies, anticipating state-wide needs for educational facilities, and providing assistance  
21 to local school systems in developing educational facilities plans. The state-wide needs  
22 assessment shall be developed from, among other sources, vital statistics published by the  
23 Department of Human Resources, census data published by the Bureau of the Census,  
24 local school system educational facilities and real property inventories, educational  
25 facilities surveys, full-time equivalent student projection research, and educational  
26 facilities construction plans; shall reflect circumstances where rapid population growth  
27 is caused by factors not reflected in full-time equivalent student projection research; shall  
28 consider recent zoning actions and permits granted for new development as potential  
29 growth indicators; and shall give priority to elementary school construction. In addition,  
30 the state board shall develop a consistent, systematic research approach to full-time  
31 equivalent student projections which will be used in the development of needs within  
32 each local unit, which shall include, but not be limited to, the consideration of recent  
33 zoning actions and permits granted for new development in the county or municipality  
34 comprising the local school system as potential growth indicators. Projections shall not  
35 be confined to full-time equivalent resident students but shall be based on full-time  
36 equivalent student counts which include full-time equivalent nonresident students,

1 whether or not such full-time equivalent nonresident students attend school pursuant to  
 2 a contract between local school systems. The full-time equivalent projection shall be  
 3 calculated in accordance with subsection (m) of this Code section. The survey team will  
 4 use such projections in determining the improvements needed for the five-year planning  
 5 period. The state board shall also develop schedules for allowable square footage and  
 6 cost per square foot and review these schedules annually. The cost estimate for each  
 7 recommended improvement included in the plan shall be based on these schedules. Any  
 8 increase in cost or square footage for a project beyond that allowed by state board  
 9 schedules for such projects shall be the responsibility of the local school system and shall  
 10 not count toward present or future required local participation. The schedules for  
 11 allowable square footage and cost per square foot shall be specified in regulations by the  
 12 State Board of Education;

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

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

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

29 (9) To provide procedures whereby local school systems may revise their educational  
 30 facilities plans or the priority order of construction projects requested to reflect  
 31 unforeseen changes in locally identifiable needs, including unanticipated accelerated  
 32 student enrollment growth over a two-year period which such accelerated student  
 33 enrollment growth is expected to continue based on an increase in recent zoning actions  
 34 and permits granted for new development in the county or municipality comprising the  
 35 local school system and other relevant factors. which Such revisions shall be approved  
 36 by the State Board of Education, providing that the ~~such~~ revisions meet state and local

1 building codes, fire marshal certification, architectural requirements, and minimum size  
2 requirements under subsection (q) of this Code section; and

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

10 (d) In order to qualify for and receive state capital outlay funds in accordance with  
11 provisions of subsections (g) and (h) of this Code section, each local school system must  
12 meet the following conditions and requirements:

13 (1) Prepare and annually update the real property inventory in accordance with  
14 provisions of subsection (c) of this Code section;

15 (2) Complete a local educational facilities plan in accordance with provisions of  
16 subsection (c) of this Code section. Each proposed construction project shall be identified  
17 according to the purposes for capital outlay funds as provided in subsection (e) of this  
18 Code section. Each local school system shall specify the order of importance of all  
19 proposed construction projects, giving priority to elementary school construction projects.  
20 When two or more local school systems agree on the need for a consolidation project  
21 pursuant to subsection (e) of this Code section, the estimated construction cost shall be  
22 prorated to the participating local school systems and included with their identification  
23 of needs in accordance with the proportion of the number of students to be served from  
24 each local school system;

25 (3) Prepare and annually update the local educational facilities needs in accordance with  
26 provisions of subsection (c) of this Code section;

27 (4) Complete a comprehensive educational facilities survey at least once every five years  
28 in accordance with provisions of subsection (c) of this Code section in order to formulate  
29 plans for educational facilities to house adequately the instructional program authorized  
30 by this article. Prior to initiating the survey, the local school system must file a written  
31 request with the State Board of Education that a survey be done in its behalf and  
32 recommending the individuals who will conduct it. The cost of the survey shall be paid  
33 from local funds;

34 (5) Submit requests for capital outlay funds to the Department of Education. Capital  
35 outlay funds may be requested by the local school system pursuant to this paragraph on  
36 a reimbursement basis or prior to or during construction on an as-needed basis;

1 (6) Submit descriptions of proposed educational facility sites and all architectural and  
 2 engineering drawings and specifications for educational facilities to the Department of  
 3 Education for review and approval in accordance with provisions of subsection (c) of this  
 4 Code section;

5 (7) Revise the local educational facilities plan and priority order of requested  
 6 construction projects in accordance with provisions of subsection (c) of this Code section,  
 7 including addressing unforeseen changes in locally identifiable needs based on  
 8 unanticipated accelerated student enrollment growth over a two-year period;

9 (8) Provide required local participation; and

10 (9) The Bryan County and Laurens County school systems shall be considered sparsity  
 11 systems under Code Section 20-2-292 due to barriers which divide each of the systems  
 12 for the purpose of capital outlay funding. The State Board of Education shall not apply  
 13 base size criteria or require other criteria under Code Section 20-2-292 to Bryan County  
 14 and Laurens County when qualifying requested construction projects under this Code  
 15 section."

16 "(m) The State Board of Education shall implement a computerized student projection  
 17 program for each school system in Georgia as a component of the state-wide  
 18 comprehensive educational information system. The program shall be used in this  
 19 subsection to forecast facility needs in each system by projecting full-time equivalent  
 20 student counts for each grade level and shall be written in the educational facilities survey.  
 21 The projection program methodology at least must correlate live-birth data to full-time  
 22 equivalent student counts and project full-time equivalent student counts for each of the  
 23 grades, including kindergarten, for each of the next five years using cohort survival. Such  
 24 projection program methodology shall also consider, but not be limited to, recent zoning  
 25 actions and permits granted for new development in the county or municipality comprising  
 26 the local school system as potential growth indicators, for purposes of projection of  
 27 full-time equivalent student counts."

## 28 SECTION 2.

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