

The House Committee on Education offers the following substitute to HB 1130:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the "Quality Basic Education Act," so as to temporarily suspend certain
3 expenditure controls relating to funds earned for direct instructional costs, media center costs,
4 staff and professional development costs, and additional days of instruction; to provide for
5 automatic repeal; to temporarily suspend under certain conditions certain laws and
6 requirements relating to maximum class size; to require a hearing; to provide for
7 accountability; to provide for statutory construction; to provide for automatic repeal of such
8 suspension; to provide for related matters; to provide for an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
13 "Quality Basic Education Act," is amended by revising Code Section 20-2-167, relating to
14 funding for direct instructional, media center, and staff development costs, by adding a new
15 subsection to read as follows:

16 "(f)(1) For school years 2010-2011, 2011-2012, and 2012-2013 only, the expenditure
17 controls contained in subsection (a) of this Code section relating to direct instructional
18 costs, media center costs, and staff and professional development costs shall be waived
19 and shall not apply to nor be enforceable against a local school system.

20 (2) Each local school system shall report to the Department of Education its budgets and
21 expenditures of the funds received pursuant to this Code section as a part of its report in
22 October for the FTE count and on March 15.

23 (3) No penalty shall be applied to a local school system for failure to comply with
24 expenditure controls set out in subsection (a) of this Code section that are contrary to this
25 subsection, notwithstanding any law to the contrary, as long as such local school system
26 complies with this subsection.

27 (4) Nothing in this Code section shall be construed to repeal any other provision of this
 28 Code section or this chapter.

29 (5) This subsection shall be automatically repealed on July 1, 2013."

30 **SECTION 2.**

31 Said article is further amended by revising Code Section 20-2-184.1, relating to funding for
 32 additional days of instruction, as follows:

33 "20-2-184.1.

34 (a) 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
 37 weights for the high school programs authorized pursuant to paragraph (4) of subsection (b)
 38 of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 39 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 40 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 41 funds shall be used for addressing the academic needs of low-performing students with
 42 programs including, but not limited to, instructional opportunities for students beyond the
 43 regular school day, Saturday classes, intersession classes, and summer school classes.
 44 Following the midterm adjustment, the state board shall issue allotment sheets for each
 45 local school system. Each local school system shall spend 100 percent of the funds
 46 designated for additional days of instruction for such costs at the system level. Up to 15
 47 percent of funds designated for additional days of instruction may be spent for
 48 transportation costs incurred for transporting students who are attending the additional
 49 classes funded by these designated funds.

50 (b)(1) For school years 2010-2011, 2011-2012, and 2012-2013 only, the expenditure
 51 controls contained in subsection (a) of this Code section relating to additional days of
 52 instruction shall be waived and shall not apply to nor be enforceable against a local
 53 school system.

54 (2) Each local school system shall report to the Department of Education its budgets and
 55 expenditures of the funds received pursuant to this Code section as a part of its report in
 56 October for the FTE count and on March 15.

57 (3) No penalty shall be applied to a local school system for failure to comply with
 58 expenditure controls set out in subsection (a) of this Code section that are contrary to this
 59 subsection, notwithstanding any law to the contrary, as long as such local school system
 60 complies with this subsection.

61 (4) Nothing in this Code section shall be construed to repeal any other provision of this
 62 Code section or this chapter.

63 (5) This subsection shall be automatically repealed on July 1, 2013."

64 **SECTION 3.**

65 Said article is further amended by adding a new Code section to read as follows:

66 "20-2-245.

67 (a) From the effective date of this Code section through June 30, 2013, Code Section
 68 20-2-182 shall be suspended and shall not apply to nor be enforceable against a local
 69 school system if such local school system complies with subsection (b) of this Code
 70 section; provided, however, that maximum class sizes in kindergarten through grade 5 shall
 71 only be exceeded by one student and class sizes in grades 6 through 12 shall only be
 72 exceeded by two students; provided, further, that the State Board of Education in its sole
 73 discretion shall be authorized to approve through June 30, 2013, up to one additional
 74 student per class above these limits for any grade upon request by a local board of
 75 education.

76 (b) A local board of education which elects to avail itself of the suspension of Code
 77 Section 20-2-182 contained in subsection (a) of this Code section shall:

78 (1) Provide 30 days notice of such intention including the rationale for needing
 79 suspension of Code Section 20-2-182; and

80 (2) Conduct a public hearing for the purpose of providing an opportunity for full
 81 discussion and public input. The public hearing shall be advertised at least seven days
 82 prior to the date of such hearing in a local newspaper of general circulation which shall
 83 be the same newspaper in which other legal announcements of the local board of
 84 education are advertised.

85 Upon compliance with the requirements of this subsection, the local board of education
 86 may adopt a resolution electing to avail itself of the suspension of Code Section 20-2-182
 87 contained in subsection (a) of this Code section.

88 (c) In order to retain the suspension of Code Section 20-2-182 contained in subsection (a)
 89 of this Code section, a local school system shall meet minimum performance measures as
 90 established by the State Board of Education, including both total scores and any needed
 91 targeted subgroups on the following, as applicable to the grade level or levels for which the
 92 suspension applies:

93 (1) High school graduation rates;

94 (2) SAT or ACT performance;

95 (3) State standardized test data, which may include criterion-referenced competency
 96 tests, the Georgia High School Graduation Test, end-of-course assessments, or a
 97 combination thereof; and

98 (4) Advanced placement or international baccalaureate participation and performance;

99 provided, however, that even if a local school system meets such minimum performance
100 measures, it will not retain the suspension of Code Section 20-2-182 contained in
101 subsection (a) of this Code section unless the school system maintains or exceeds its
102 performance levels in these areas as compared with the previous school year.

103 (d) If a local board of education complies with the requirements of subsection (b) of this
104 Code section and continues to meet the minimum performance measures in subsection (c)
105 of this Code section, no penalty shall be applied to the local school system for not
106 complying with the requirements contained in Code Section 20-2-182 pursuant to
107 subsection (a) of this Code section, notwithstanding any law to the contrary.

108 (e) Nothing in this Code section shall be construed to repeal any other provision of this
109 chapter.

110 (f) This Code section shall be automatically repealed on July 1, 2013."

111 **SECTION 4.**

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

114 **SECTION 5.**

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