

## SENATE SUBSTITUTE TO HB 908

AS PASSED SENATE

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 waive certain expenditure  
 3 controls relating to funds earned for direct instructional costs, media center costs, staff and  
 4 professional development costs, and additional days of instruction; to provide for automatic  
 5 repeal; to temporarily provide for system average maximum class sizes in kindergarten  
 6 through grade 8; to provide for blanket waivers or variances of class size requirements; to  
 7 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
 8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

10 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the  
 11 "Quality Basic Education Act," is amended by revising Code Section 20-2-167, relating to  
 12 funding for direct instructional, media center, and staff development costs, by adding a new  
 13 subsection to read as follows:  
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15 "(f)(1) For school years 2009-2010, 2010-2011, 2011-2012, and 2012-2013 only, the  
 16 expenditure controls contained in subsection (a) of this Code section relating to direct  
 17 instructional costs, media center costs, and staff and professional development costs shall  
 18 be waived and shall not apply to nor be enforceable against a local school system.

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

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

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

27 (5) This subsection shall be automatically repealed on July 1, 2013."

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**SECTION 2.**

Reserved.

**SECTION 3.**

Said article is further amended by revising subsection (i) of Code Section 20-2-182, relating to maximum class size, as follows:

"(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and guardians as to the maximum number of students that may be in their child's classroom in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

- (A) Kindergarten program (without full-time aide) . . . . . 18
- (B) Kindergarten program (with full-time aide) . . . . . 20
- (C) Primary grades program (1-3) . . . . . 21
- (D) Upper elementary grades program (4-5) . . . . . 28
- (E) Middle grades program (6-8) and middle school program (6-8) as defined in Code Section 20-2-290 . . . . . 28

For school years 2010-2011, 2011-2012, and 2012-2013 only, the system average maximum class size for each instructional program covered under this paragraph shall be the same as the maximum individual class size for each such program, and local boards of education shall be considered in compliance with this paragraph as long as the system average maximum class size is not exceeded; provided, however, that if the State Board of Education approves a blanket waiver or variance pursuant to subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be the system average maximum class sizes for purposes of this paragraph.

(2) The State Board of Education shall adopt for each instructional program authorized pursuant to Part 3 of this article except those programs included in paragraph (1) of this subsection the maximum number of students which may be taught by a teacher in an instructional period. For the remedial education, vocational laboratory, alternative education, and early intervention programs, the State Board of Education shall provide for a system average maximum class size that shall not exceed the funding class size by more than 20 percent, unless specifically authorized by the State Board of Education; provided, however, that the system average maximum class size for special education, gifted, and English for speakers of other languages classes shall be set by the State Board of Education. For each instructional program covered under this paragraph, the maximum number of students who may be taught by a teacher in an instructional period

63 shall not exceed the system average maximum class size for the program by more than  
64 two students; provided, however, that a system average maximum class size which results  
65 in a fractional full-time equivalent shall be rounded up to the nearest whole number;  
66 provided, however, that this provision shall not apply to general education programs in  
67 mathematics, science, social studies, and language arts for grades 9 through 12.  
68 Beginning with the 2007-2008 school year, each local board of education shall be  
69 allowed to exceed maximum class sizes set by the state board pursuant to this paragraph  
70 for general education programs in mathematics, science, social studies, and language arts  
71 for grades 9 through 12 and may establish such maximum class sizes that shall not exceed  
72 the funding class size by more than 39 percent and shall annually report to the state board  
73 and to each school council in its school system such class sizes established. ~~For a period~~  
74 ~~not to exceed seven years, beginning with the 2000-2001 school year, local school~~  
75 ~~systems shall be allowed to exceed the maximum class sizes set forth in this subsection~~  
76 ~~in a manner consistent with State Board of Education rules and subsection (k) of this~~  
77 ~~Code section, except for those programs included in paragraph (1) of this subsection~~  
78 ~~beginning with the 2006-2007 school year. The State Board of Education shall lower the~~  
79 ~~current maximum class sizes set by state board rules in effect for the 1999-2000 school~~  
80 ~~year, beginning with the 2000-2001 school year, by an amount so that, beginning with~~  
81 ~~the 2007-2008 school year, State Board of Education rules are in compliance with this~~  
82 ~~subsection; provided, however, that this shall not apply to the programs included in~~  
83 ~~paragraph (1) of this subsection beginning with the 2006-2007 school year.~~

84 (3) The maximum individual class size for the kindergarten and primary grades programs  
85 is defined as the number of students in a physical classroom. The maximum individual  
86 class size for all other purposes shall be defined as the maximum number of students that  
87 may be taught by a teacher in a class segment. Maximum class sizes for the programs  
88 covered in paragraph (2) of this subsection that result in a fractional full-time equivalent  
89 shall be rounded up to the nearest whole number as needed.

90 (4) The number of students taught by a teacher at any time after the first 15 school days  
91 of a school year may not exceed the maximum such number unless authorization for a  
92 specific larger number is requested of the state board after the first FTE count of a school  
93 year as required in subsection (a) of Code Section 20-2-160. The state board may  
94 approve said request only in the limited circumstance where educationally justified and  
95 where an act of God or other unforeseen event led to the precipitous rise in enrollment  
96 within that school system or led to another occurrence which resulted in the local board's  
97 inability to comply with this subsection. The state board shall not reduce class sizes  
98 without the authorization of the General Assembly if this reduction necessitates added  
99 costs for facilities, personnel, and other program needs. Local boards of education may

100 reduce class sizes, build additional facilities, and provide other resources at local cost if  
 101 such actions are in the best interest of the local school systems' programs as determined  
 102 by the local boards of education."

#### 103 SECTION 4.

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

106 "20-2-184.1.

107 (a) The program weights for the kindergarten, kindergarten early intervention, primary,  
 108 primary grades early intervention, upper elementary, upper elementary grades early  
 109 intervention, middle grades, middle school, and remedial programs and the program  
 110 weights for the high school programs authorized pursuant to paragraph (4) of subsection (b)  
 111 of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
 112 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
 113 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
 114 funds shall be used for addressing the academic needs of low-performing students with  
 115 programs including, but not limited to, instructional opportunities for students beyond the  
 116 regular school day, Saturday classes, intersession classes, and summer school classes.  
 117 Following the midterm adjustment, the state board shall issue allotment sheets for each  
 118 local school system. Each local school system shall spend 100 percent of the funds  
 119 designated for additional days of instruction for such costs at the system level. Up to 15  
 120 percent of funds designated for additional days of instruction may be spent for  
 121 transportation costs incurred for transporting students who are attending the additional  
 122 classes funded by these designated funds.

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

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

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

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

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

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**SECTION 5.**

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Said article is further amended by revising subsection (g) and adding a new subsection to Code Section 20-2-244, relating to maximum class size, as follows:

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"(g) On and after July 1, 2008, except as provided for in subsection (h) of this Code section, the State Board of Education shall not authorize any waivers or variances pursuant to this Code section to any local school system for the following:

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(1) Class size requirements in Code Section 20-2-182; provided, however, that the state board shall be authorized to waive class size requirements pursuant to this Code section on and after July 1, 2008, in the event that a local school system can demonstrate a hardship pursuant to a waiver request;

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(2) Expenditure controls in Code Section 20-2-171 and categorical allotment requirements in Article 6 of this chapter;

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(3) Certification requirements in Code Section 20-2-200; or

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(4) Salary schedule requirements in Code Section 20-2-212.

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A local school system which has received a waiver or variance pursuant to this Code section prior to entering into a contract pursuant to Article 4 of this chapter shall be required to include such waiver or variance in such contract.

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(h) The State Board of Education shall be authorized to provide a blanket waiver or variance of the class size requirements in Code Section 20-2-182 for all local school systems for a specified school year in the event that a condition of financial exigency occurs, as determined by the state board. For purposes of this subsection, 'financial exigency' means circumstances which cause a shortfall in state appropriations and local revenue for operation of local school systems as compared with projected expenditures over the same period and such shortfall would have a material adverse effect on the operation of public schools. Subsections (c) and (f) of this Code section shall not apply to blanket waivers or variances issued pursuant to this subsection."

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**SECTION 6.**

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

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**SECTION 7.**

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