

The House Committee on Education offers the following substitute to SB 521:

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 enrollment counts under the
3 "Quality Basic Education Act," for students in certain dual enrollment programs; to provide
4 for requirements for weighting of students in certain dual enrollment courses under the
5 Quality Basic Education Formula; to provide certain requirements relating to dual enrollment
6 courses; to establish state-wide common evaluation instruments; to authorize the Georgia
7 Charter Schools Commission to reduce state funding to commission charter schools based
8 on factors that affect the cost of providing such instruction; to provide for related matters;
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
13 secondary education, is amended by revising subsection (a) of Code Section 20-2-160,
14 relating to determination of enrollment by instructional program, as follows:

15 "(a) The State Board of Education shall designate the specific dates upon which two counts
16 of students enrolled in each instructional program authorized under this article shall be
17 made each school year and by which the counts shall be reported to the Department of
18 Education. The initial enrollment count shall be made after October 1 but prior to
19 November 17 and the final enrollment count after March 1 but prior to May 1. The report
20 shall indicate the student's specific assigned program for each one-sixth segment of the
21 school day on the designated reporting date. No program shall be indicated for a student
22 for any one-sixth segment of the school day that the student is assigned to a study hall; a
23 noncredit course; a course recognized under this article or by state board policy as an
24 enrichment course, except a driver education course; a course which requires participation
25 in an extracurricular activity for which enrollment is on a competitive basis; a course in
26 which the student serves as a student assistant to a teacher, in a school office, or in the

27 media center, except when such placement is an approved work site of a recognized career
 28 or vocational program; an individual study course for which no outline of course objectives
 29 is prepared in writing prior to the beginning of the course; a course taken through the
 30 Georgia Virtual School pursuant to Code Section 20-2-319.1; or any other course or
 31 activity so designated by the state board. For the purpose of this Code section, the term
 32 'enrichment course' means a course which does not dedicate a major portion of the class
 33 time toward the development and enhancement of one or more student competencies as
 34 adopted by the state board under Code Section 20-2-140. A program shall not be indicated
 35 for a student for any one-sixth segment of the school day for which the student is not
 36 enrolled in an instructional program or has not attended a class or classes within the
 37 preceding ten days; nor shall a program be indicated for a student for any one-sixth
 38 segment of the school day for which the student is charged tuition or fees or is required to
 39 provide materials or equipment beyond those authorized pursuant to Code Section
 40 20-2-133. A student who is enrolled in an eligible institution under the program
 41 established in Code Section 20-2-161.1 may be counted for the high school program for
 42 only that portion of the day that the student is attending the high school for those segments
 43 that are eligible to be counted under this subsection. A student who is enrolled in a dual
 44 enrollment program other than as established in Code Section 20-2-161.1 shall be counted
 45 for the high school program or other appropriate program for each segment in which the
 46 student is attending a postsecondary course conducted at a facility operated by the local
 47 board of education, at a charter school as defined in paragraph (13) of Code Section
 48 20-2-2062, or at a commission charter school as defined in paragraph (2) of Code Section
 49 20-2-2081. The state board shall adopt such regulations and criteria as necessary to ensure
 50 objective and true counts of students in state approved instructional programs. The state
 51 board shall also establish criteria by which students shall be counted as resident or
 52 nonresident students, including specific circumstances which may include, but not be
 53 limited to, students attending another local school system under court order or under the
 54 terms of a contract between two local school systems. If a local school system has a
 55 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 56 program counts from the designated date to a requested alternate date."

57 **SECTION 2.**

58 Said chapter is further amended in Code Section 20-2-161, relating to the Quality Basic
 59 Education Formula, by adding a new subsection to read as follows:

60 "(c.1) For purposes of calculating the annual allotment of funds to each local school
 61 system, a student who is enrolled in a dual enrollment program other than as established
 62 in Code Section 20-2-161.1 shall be counted for the high school program or other

63 appropriate program for each segment in which the student is attending a postsecondary
 64 course conducted at a facility operated by the local board of education, at a charter school
 65 as defined in paragraph (13) of Code Section 20-2-2062, or at a commission charter school
 66 as defined in paragraph (2) of Code Section 20-2-2081."

67 **SECTION 3.**

68 Said chapter is further amended by adding a new Code section to read as follows:

69 "20-2-161.4.

70 (a) For purposes of this Code section, the term:

71 (1) 'Department' means the Department of Education.

72 (2) 'Dual enrollment course' means an arrangement whereby an eligible student takes one
 73 or more courses at or through an eligible institution while still enrolled as a public high
 74 school student and receives credit both at the high school and at the eligible institution.

75 (3) 'Eligible institution' or 'institution' means any eligible postsecondary institution as
 76 defined in paragraph (7) of Code Section 20-3-519.

77 (4) 'Eligible student' means a student entering ninth through twelfth grade.

78 (5) 'Secondary credit' means high school credit for dual enrollment courses taken at an
 79 eligible institution.

80 (b) Any eligible student may apply to an eligible institution to take one or more dual
 81 enrollment courses at or through that institution which are approved for secondary credit
 82 pursuant to subsection (d) of this Code section. If accepted at an eligible institution, such
 83 eligible student may take any such course at that institution, whether or not the course is
 84 taught during the regular public school day, and receive secondary credit therefor under the
 85 conditions provided in this Code section. An eligible institution which accepts an eligible
 86 student authorized to apply for enrollment under this Code section shall not receive any
 87 state funds for that student unless such institution complies with the requirements of this
 88 Code section regarding eligible institutions.

89 (c) The department shall develop appropriate forms and counseling guidelines for the dual
 90 enrollment courses and shall make such forms and guidelines available to local school
 91 systems and eligible institutions. No later than the first day of April each year, each local
 92 school system shall provide general information about dual enrollment courses, including
 93 such forms, to all its eighth through eleventh grade students. A local school system shall
 94 also provide counseling services in accordance with the counseling guidelines provided by
 95 the department to such students and their parents or guardians before the students enroll in
 96 a dual enrollment course. Prior to participating in a dual enrollment course, the student and
 97 the student's parent or guardian shall sign the form provided by the school system or by an
 98 eligible institution stating that they have received the counseling specified in this

99 subsection and that they understand the responsibilities that shall be assumed in
 100 participating in dual enrollment.

101 (d)(1) A local school system shall grant academic credit to an eligible student enrolled
 102 in a dual enrollment course in an eligible institution if that course has been approved by
 103 the State Board of Education and if such student successfully completes that course. The
 104 State Board of Education shall approve any such course which is substantially
 105 comparable to a state approved course. The secondary credit granted shall be for the
 106 comparable course and course hours approved by the State Board of Education. Upon
 107 completion of an eligible institution's approved course, the eligible student shall be
 108 responsible for requesting that the institution notify the student's local school system
 109 regarding his or her grade in that course.

110 (2) Secondary school credits granted for dual enrollment courses under paragraph (1) of
 111 this subsection shall be counted toward State Board of Education graduation requirements
 112 and subject area requirements of the local school system. Evidence of successful
 113 completion of each course and secondary credits granted shall be included in the eligible
 114 student's secondary school records.

115 The department shall consult the Board of Regents of the University System of Georgia
 116 and the State Board of Technical and Adult Education in developing rules and regulations
 117 to be recommended to the State Board of Education for approval regarding the eligibility
 118 criteria for dual enrollment courses.

119 (e) The State Board of Education shall establish rules and regulations relating to applicable
 120 state and federal testing requirements for eligible students participating in dual enrollment
 121 courses."

122 **SECTION 4.**

123 Said chapter is further amended by revising subsections (a) through (c) of Code Section
 124 20-2-210, relating to annual performance evaluations for certificated professional personnel,
 125 as follows:

126 "20-2-210.

127 (a) All personnel employed by local units of administration, including school
 128 superintendents, shall have their performance evaluated annually by appropriately trained
 129 evaluators. All such performance evaluation records shall be part of the personnel
 130 evaluation file and shall be confidential. In the case of local school superintendents, such
 131 evaluations shall be performed by the local board of education. Certificated professional
 132 personnel who have deficiencies and other needs shall have professional development plans
 133 designed to mitigate such deficiencies and other needs as may have been identified during

134 the evaluation process. Progress relative to completing the annual professional
135 development plan shall be assessed during the annual evaluation process.

136 ~~(b)~~(1) The state board shall develop a model annual evaluation instrument for each
137 classification of professional personnel certificated by the Professional Standards
138 Commission. The local units of administration are authorized to use the models
139 developed by the State Board of Education.

140 ~~(b)~~(2) Annual teacher evaluations shall at a minimum take into consideration the
141 following:

142 ~~(1)~~(A) The role of the teacher in meeting the school's student achievement goals,
143 including the academic gains of students assigned to the teacher;

144 ~~(2)~~(B) Observations of the teacher by the principal and assistant principals during the
145 delivery of instruction and at other times as appropriate;

146 ~~(3)~~(C) Participation in professional development opportunities and the application of
147 concepts learned to classroom and school activities;

148 ~~(4)~~(D) Communication and interpersonal skills as they relate to interaction with
149 students, parents, other teachers, administrators, and other school personnel;

150 ~~(5)~~(E) Timeliness and attendance for assigned responsibilities;

151 ~~(6)~~(F) Adherence to school and local school system procedures and rules; and

152 ~~(7)~~(G) Personal conduct while in performance of school duties.

153 ~~(e)~~(3) In making a determination of the academic gains of the students assigned to a
154 teacher, evaluators should make every effort to have available and to utilize the results
155 of a wide range of student achievement assessments, including those utilized by the
156 teacher, set by the local board of education, or required under this article. It is recognized
157 that in some instances a determination of the academic gains of the students assigned to
158 a teacher is dependent upon student assessments which have not yet been administered
159 at the time of the annual evaluation or, if they have been administered, the results are not
160 yet available at the time of the annual evaluation. In such instances, the annual teacher
161 evaluation shall be performed on the basis of information available at the time and shall
162 be considered as the annual evaluation for the purposes of this article. As results of
163 student assessments subsequently become available, an addendum to the annual
164 evaluation shall be completed and become part of the teacher's cumulative evaluative
165 record which may be used in a teacher's subsequent annual evaluations.

166 (4) This subsection shall apply to performance evaluations conducted for teachers,
167 assistant principals, and principals by a local unit of administration prior to July 1, 2011.

168 (c)(1) No later than July 1, 2011, the State Board of Education, in consultation with the
169 Office of Student Achievement, shall establish state-wide common evaluation
170 instruments that take student achievement into consideration when assessing teachers.

171 assistant principals, and principals. The state board may take into consideration one or
 172 more of the factors enumerated in paragraph (2) of subsection (b) of this Code section
 173 and may consider any other factors such as peer review, student academic growth as
 174 defined by the State Board of Education, and parental input that it deems relevant, when
 175 establishing the evaluation instruments.

176 (2) This subsection shall apply to performance evaluations conducted for teachers,
 177 assistant principals, and principals by a local unit of administration on and after July 1,
 178 2011."

179 **SECTION 5.**

180 Said chapter is further amended in Code Section 20-2-2090, relating to funding for
 181 commission charter schools, by revising subsection (a) as follows:

182 "(a) The Department of Education shall pay to each commission charter school through
 183 appropriation of state and federal funds an amount equal to the sum of:

184 (1) QBE formula earnings, QBE grants, and federal grants earned by the commission
 185 charter school based on the school's enrollment, school profile, and student
 186 characteristics. QBE formula earnings shall include the salary portion of direct
 187 instructional costs, the adjustment for training and experience, the nonsalary portion of
 188 direct instructional costs, and earnings for psychologists and school social workers,
 189 school administration, facility maintenance and operation, media centers, additional days
 190 of instruction in accordance with Code Section 20-2-184.1, and staff development. For
 191 purposes of this paragraph, QBE formula earnings shall not include the additional amount
 192 provided for in Code Section 20-2-165.1 earned by a charter system for full-time
 193 equivalent students in its schools;

194 (2) A proportional share of state categorical grants, non-QBE state grants, state
 195 equalization grants, and all other state and federal grants; and

196 (3)~~(A)~~ An amount determined by the commission for each student enrolled in such
 197 school equal to a proportional share of local revenue from the local school system in
 198 which the student attending the commission charter school resides; provided, however,
 199 that the commission may reduce the amount calculated pursuant to this paragraph based
 200 on factors that affect the cost of providing instruction.

201 ~~(B)~~ In making the funding determination required pursuant to this subsection, paragraph,
 202 the commission shall take into account the following factors:

203 ~~(i)~~ In in the case of a commission charter school that draws students from multiple school
 204 systems, the commission shall take into account the actual costs of operating such a
 205 commission charter school and any efficiencies gained by using an expanded attendance
 206 zone; and.

207 (ii) In the case of a commission charter school that plans to offer virtual instruction, the
208 commission may reduce the amount calculated pursuant to this ~~paragraph subsection~~ based
209 ~~on the factors specified in subparagraph (A) of this paragraph.~~ factors that affect the cost
210 of providing instruction. Such reduction, if any, shall be applied to the appropriations
211 made under paragraphs (1) and (3) of this subsection, and shall not exceed 35 percent of
212 the total amount calculated pursuant to the subsection."

213

SECTION 6.

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