

The Senate Education and Youth Committee offered the following substitute to HB 278:

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 provide for enrollment counts for
3 students in certain dual enrollment programs; to provide for requirements for weighting of
4 students in certain dual enrollment courses under the Quality Basic Education Formula; to
5 temporarily waive certain expenditure controls relating to funds earned for direct
6 instructional costs, media center costs, staff and professional development costs, and
7 additional days of instruction; to provide for automatic repeal; to revise certain provisions
8 relating to organization of schools, middle school programs, and scheduling; to provide for
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
12 "Quality Basic Education Act," is amended by revising subsection (a) of Code Section
13 20-2-160, relating to determination of enrollment by institutional program, as follows:
14

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 the high school or attending a postsecondary course conducted at the
 47 high school, as long as the dual enrollment program is provided (1) at a charter school or
 48 (2) at a high school pursuant to an agreement between the local school system and a
 49 postsecondary institution if such agreement has been approved by the State Board of
 50 Education. The state board shall adopt such regulations and criteria as necessary to ensure
 51 objective and true counts of students in state approved instructional programs. The state
 52 board shall also establish criteria by which students shall be counted as resident or
 53 nonresident students, including specific circumstances which may include, but not be
 54 limited to, students attending another local school system under court order or under the
 55 terms of a contract between two local school systems. If a local school system has a
 56 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 57 program counts from the designated date to a requested alternate date."

58 **SECTION 2.**

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

61 "(c.1) For purposes of calculating the annual allotment of funds to each local school
 62 system, a student who is enrolled in a dual enrollment program other than as established

63 in Code Section 20-2-161.1 shall be counted for the high school program or other
 64 appropriate program for each segment in which the student is attending the high school
 65 or attending a postsecondary course conducted at the high school, as long as the dual
 66 enrollment program is provided (1) at a charter school or (2) at a high school pursuant to
 67 an agreement between the local school system and a postsecondary institution if such
 68 agreement has been approved by the State Board of Education."

69 **SECTION 3.**

70 Said article is further amended in Code Section 20-2-167, relating to funding for direct
 71 instructional, media center, and staff development costs, by adding a new subsection to read
 72 as follows:

73 "(f)(1) For school years 2008-2009 and 2009-2010 only, the expenditure controls
 74 contained in subsection (a) of this Code section relating to direct instructional costs,
 75 media center costs, and staff and professional development costs shall be waived and
 76 shall not apply to nor be enforceable against a local school system.

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

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

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

86 (5) This subsection shall be automatically repealed on July 1, 2010."

87 **SECTION 4.**

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

90 "20-2-184.1.

91 (a) The program weights for the kindergarten, kindergarten early intervention, primary,
 92 primary grades early intervention, upper elementary, upper elementary grades early
 93 intervention, middle grades, middle school, and remedial programs and the program
 94 weights for the high school programs authorized pursuant to paragraph (4) of subsection (b)
 95 of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 96 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 97 instruction for 10 percent of the full-time equivalent count of the respective program. Such

98 funds shall be used for addressing the academic needs of low-performing students with
 99 programs including, but not limited to, instructional opportunities for students beyond the
 100 regular school day, Saturday classes, intersession classes, and summer school classes.
 101 Following the midterm adjustment, the state board shall issue allotment sheets for each
 102 local school system. Each local school system shall spend 100 percent of the funds
 103 designated for additional days of instruction for such costs at the system level. Up to 15
 104 percent of funds designated for additional days of instruction may be spent for
 105 transportation costs incurred for transporting students who are attending the additional
 106 classes funded by these designated funds.

107 (b)(1) For school years 2008-2009 and 2009-2010 only, the expenditure controls
 108 contained in subsection (a) of this Code section relating to additional days of instruction
 109 shall be waived and shall not apply to nor be enforceable against a local school system.

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

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

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

119 (5) This subsection shall be automatically repealed on July 1, 2010."

120 SECTION 5.

121 Said article is further amended in Code Section 20-2-290, relating to the organization of
 122 schools, middle school programs, and scheduling, as follows:

123 "20-2-290.

124 (a)(1) The board of education of any local school system is authorized to organize or
 125 reorganize the schools and fix the grade levels to be taught at each school in its
 126 jurisdiction. ~~Local school systems which have organized their schools in such a manner~~
 127 ~~that facilities~~ Schools which house grades six, seven, and eight or grades seven and or
 128 eight, or any combination thereof, shall qualify for the middle school program for
 129 students in grade levels so housed. ~~A school which houses grades other than six, seven,~~
 130 ~~or eight shall only be eligible if it has a full-time principal for grades seven and eight or~~
 131 ~~six, seven, and eight and another full-time principal for grades above or below the middle~~
 132 ~~school grades; provided, however, that such schools also meet all other provisions of this~~
 133 ~~Code section and criteria and standards prescribed by the State Board of Education.~~

134 ~~Schools with students in the sixth grade shall not be eligible for the middle school~~
 135 ~~program if the sixth grades are not housed in middle schools which also contain both~~
 136 ~~grades seven and eight.~~ Further, two or more adjacent local school systems shall qualify
 137 for the middle school program if through their contractual arrangement they jointly meet
 138 the requirements of this Code section and the criteria and standards prescribed by the
 139 state board.

140 (2) The board of education of any local school system shall be authorized to employ
 141 school administrative managers in lieu of or in addition to assistant principals. Such
 142 school administrative managers shall not be required to be certificated by the Professional
 143 Standards Commission but shall have such qualifications as determined by the local
 144 board with a minimum requirement of a bachelor's degree. The duties of school
 145 administrative managers shall be to oversee and manage the financial and business affairs
 146 of the school. The principal shall retain authority over the curriculum and instructional
 147 areas. The school administrative manager shall report directly to the principal. In the
 148 event that a local board considers hiring or utilizing school administrative managers
 149 pursuant to this subsection, it shall receive and give all due consideration to
 150 recommendations by the school council as to whether or not to utilize such position and
 151 as to selection of the manager. Existing employees of the local board shall be eligible
 152 to serve as school administrative managers if they meet other qualifications and
 153 requirements established by the local board for such position. For purposes of earning
 154 funds for such positions, school administrative managers shall be treated in all respects
 155 the same as assistant principals.

156 (b) ~~Except as otherwise provided in subsection (c) of this Code section, local~~ Local boards
 157 of education shall schedule each middle school so as to provide the following:

158 (1) A minimum of five hours of instruction in English and language arts, reading,
 159 mathematics, science, social studies, and such other academic subjects as the State Board
 160 of Education shall prescribe. ~~For students not performing on grade level, as defined by~~
 161 ~~the Office of Student Achievement, the minimum of five hours shall include such~~
 162 ~~remedial academic instruction in English and language arts, reading, mathematics,~~
 163 ~~science, or social studies as required to bring such students to grade level performance~~
 164 ~~with the priority for such remediation being placed on reading and mathematics or as~~
 165 ~~otherwise determined by the student's team of academic teachers; provided that, in~~
 166 ~~making such a determination the team shall consider the student's performance on the~~
 167 ~~criterion-referenced assessments authorized in Code Section 20-2-181;~~

168 (2) Beyond the minimum of five hours of academic instruction, the local board shall
 169 have the authority to schedule for the remainder of the day such academic or exploratory
 170 classes as the State Board of Education shall prescribe; provided, however, that a student

171 shall be allowed to take additional academic classes instead of exploratory classes if the
172 parent or guardian of such a student requests such assignment, subject to availability; and
173 (3) An interdisciplinary team of academic teachers with common planning time of a
174 minimum of 55 minutes.

175 ~~(e) Local schools may apply to the state board for an exception to the schedule set out in~~
176 ~~subsection (b) of this Code section in order to schedule a minimum of 4.5 hours of~~
177 ~~academic instruction. If the local school has achieved an acceptable rating for the~~
178 ~~preceding year, the state board shall grant the application for an exception.~~

179 ~~(d)~~(c) Local school systems shall comply with subsection (b) ~~or (c)~~ of this Code section
180 in order to qualify for the middle school program.

181 ~~(e)~~(d) If a local school system has a combination of qualified and nonqualified schools, it
182 shall qualify for the middle school program only for those students counted in the full-time
183 equivalent count for the middle school program in qualified middle schools."

184

SECTION 6.

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