

## HOUSE SUBSTITUTE TO SENATE BILL 231

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
 2 provide for preparatory tests for college entrance exams; to remove the sunset provision from  
 3 the Georgia Master Teacher Program; to provide for placement on the state salary schedule  
 4 for an educator who has a leadership degree but is not in a leadership position; to provide that  
 5 a public school student can attend any school in the local school system under certain  
 6 conditions; to provide for continued attendance at such school; to provide for statutory  
 7 construction; to establish the PROMISE III teacher's scholarship; to provide for eligibility  
 8 requirements; to provide for service cancelable requirements; to provide for the maximum  
 9 amount; to require legislative approval for the creation, consolidation, suspension, or  
 10 discontinuation of a technical college or institution under the State Board of Technical and  
 11 Adult Education; to change the name of the State Board of Technical and Adult Education  
 12 to the State Board of the Technical College System of Georgia; to amend various provisions  
 13 of the Official Code of Georgia Annotated to change references to reflect such name change;  
 14 to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
 18 2 of Article 6 of Chapter 2, relating to competencies and core curriculum under the "Quality  
 19 Basic Education Act," by adding a new Code section to read as follows:

20 "20-2-146.1.

21 (a) In the event that state funding is provided to local school systems to offer the PSAT to  
 22 its students, such state funding shall also be made available for purposes of offering the  
 23 ACT PLAN assessment to such students.

24 (b) It shall be the choice of each student as to which preparatory assessment he or she elects  
 25 to take."

26 **SECTION 2.**

27 "Reserved."

28 **SECTION 3.**

29 "Reserved."

30 **SECTION 4.**

31 Said title is further amended by revising Code Section 20-2-205, relating to the Georgia  
32 Master Teacher Program, as follows:

33 "20-2-205.

34 (a) The General Assembly finds that excellent public school teachers deserve recognition  
35 for the extraordinary learning opportunity they provide to Georgia students.

36 (b) The Professional Standards Commission is authorized and directed to establish the  
37 'Georgia Master Teacher Program' to provide recognition to certificated public school  
38 teachers who exhibit excellence in the classroom.

39 (c) The Professional Standards Commission shall establish criteria for a Master Teacher  
40 Certification. Such criteria shall include, at a minimum, evidence of student achievement,  
41 which must include student progress. A public school teacher with three or more years of  
42 teaching experience in Georgia may submit an application to the Professional Standards  
43 Commission for a Master Teacher Certification. The Professional Standards Commission  
44 shall review each application and determine whether a teacher meets the criteria for a  
45 Master Teacher Certification. If the Professional Standards Commission finds that a  
46 teacher's application meets the criteria, the teacher will be given a Master Teacher  
47 Certification, and that teacher will be known as and may be called a Master Teacher for a  
48 term to be determined pursuant to rules and regulations of the Professional Standards  
49 Commission, but in no event longer than seven years. The Professional Standards  
50 Commission is authorized to develop rules and regulations governing the Master Teacher  
51 Certification.

52 ~~(d) This Code section shall be repealed on June 30, 2009.'~~

53 **SECTION 5.**

54 Said title is further amended in Code Section 20-2-212, relating to salary schedules for  
55 certificated personnel under the "Quality Basic Education Act," by revising subsection (a)  
56 as follows:

57 "(a) The State Board of Education shall establish a schedule of minimum salaries for  
58 services rendered which shall be on a ten-month basis and which shall be paid by local

59 units of administration to the various classifications of professional personnel required to  
60 be certificated by the Professional Standards Commission. The minimum salary schedule  
61 shall provide a minimum salary base for each classification of professional personnel  
62 required to be certificated; shall provide for increment increases above the minimum salary  
63 base of each classification based upon individual experience and length of satisfactory  
64 service; and shall include such other uniformly applicable factors as the state board may  
65 find relevant to the establishment of such a schedule. The minimum salary base for  
66 certificated professional personnel with bachelor's degrees and no experience, when  
67 annualized from a ten-month basis to a 12 month basis, shall be comparable to the  
68 beginning salaries of the recent graduates of the University System of Georgia holding  
69 bachelor's degrees and entering positions, excluding professional educator teaching  
70 positions, in Georgia having educational entry requirements comparable to the  
71 requirements for entry into Georgia public school teaching. The placement of teachers on  
72 the salary schedule shall be based on certificate level and years of creditable experience,  
73 except that a teacher shall not receive credit for any year of experience in which the teacher  
74 received an unsatisfactory performance evaluation. For purposes of this subsection, an  
75 educator's placement on the salary schedule shall not be based on a leadership degree,  
76 which shall mean a degree earned in conjunction with completion of an educator leadership  
77 preparation program approved by the Professional Standards Commission, if the degree  
78 was earned on or after July 1, 2010, unless the educator is employed in a leadership  
79 position as defined by the State Board of Education but shall be placed on the salary  
80 schedule attributable to the educator but for the leadership certification; provided, however,  
81 that this shall not apply to an educator who possessed a leadership certificate prior to July  
82 1, 2010, regardless of whether or not he or she is in a leadership position. The General  
83 Assembly shall annually appropriate funds to implement a salary schedule for certificated  
84 professional personnel. For each state fiscal year, the state board shall adopt the salary  
85 schedule for which funding has been appropriated by the General Assembly. A local unit  
86 of administration shall not pay to any full-time certificated professional employee a salary  
87 less than that prescribed by the schedule of minimum salaries, except as required by this  
88 Code section; nor shall a local unit of administration pay to any part-time certificated  
89 professional employee less than a pro rata portion of the respective salary prescribed by the  
90 schedule of minimum salaries, except as required by this Code section."

91 **SECTION 5A.**

92 Said title is further amended in Part 13 of Article 6 of Chapter 2, relating to organization of  
93 schools and school systems under the "Quality Basic Education Act," by adding a new Code  
94 section to read as follows:

S. B. 231 (SUB)

95 "20-2-295.  
 96 (a) Beginning in school year 2010-2011, the parent or guardian of a student enrolled in a  
 97 public elementary or secondary school in this state may elect to enroll such student in a  
 98 public school that is located within the school system in which the student resides other  
 99 than the one to which the student has been assigned by the local board of education if such  
 100 school has classroom space available after its assigned students have been enrolled. The  
 101 parent or guardian shall assume the responsibility and cost of transportation of the student  
 102 to and from the school.  
 103 (b) No later than July 1, 2010, each local school system shall establish a universal,  
 104 streamlined process available to all students to implement the transfer requirements of  
 105 subsection (a) of this Code section.  
 106 (c) A student who transfers to another school pursuant to this Code section may, at his or  
 107 her election, continue to attend such school until the student completes all grades of the  
 108 school.  
 109 (d) This Code section shall not be construed to affect any student currently attending a  
 110 school other than the school to which the student has been assigned by the local board of  
 111 education pursuant to a transfer authorized under the federal No Child Left Behind Act  
 112 (P.L. 107-110)."

113 **SECTION 6.**

114 Said title is further amended by adding a new Code section to read as follows:

115 "20-3-519.15.  
 116 (a) To be eligible for a PROMISE III teacher's scholarship, a student seeking alternative  
 117 certification as a teacher shall:  
 118 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
 119 resident of Georgia for purposes of the tuition equalization grant;  
 120 (2) Possess a bachelor's degree or higher;  
 121 (3) Be accepted for enrollment into an approved alternative teacher certification program  
 122 in Georgia leading to initial certification. Such alternative program shall be a teacher  
 123 certification program not offered by a public or private postsecondary institution as  
 124 approved by the Professional Standards Commission; and  
 125 (4) Agree to teach in a public school in Georgia at the elementary, middle, or secondary  
 126 level for one academic year for each \$1,500.00 in PROMISE III teacher scholarship  
 127 funds awarded and sign a promissory note that stipulates the cash repayment obligation  
 128 incurred if the teaching service is not fulfilled.

129 (b) Subject to the amounts appropriated by the General Assembly and provisions relating  
 130 to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a PROMISE III  
 131 teacher's scholarship shall not exceed a total of \$3,000.00 per recipient.

132 (c) A student who terminates participation in the approved alternative teacher certification  
 133 program or who is otherwise dropped from participation by the program shall not be  
 134 eligible to continue receiving a PROMISE III teacher's scholarship. Such student shall also  
 135 not be eligible to receive a PROMISE teacher's scholarship or a PROMISE II teacher's  
 136 scholarship.

137 (d) A student shall not be eligible to receive a PROMISE III teacher's scholarship if such  
 138 student is ineligible for certification by action of the Georgia Professional Standards  
 139 Commission."

140 **SECTION 6A.**

141 Said title is further amended by revising Code Section 20-4-10, relating to the establishment  
 142 of the State Board of Technical and Adult Education, as follows:

143 "20-4-10.

144 (a) There is established a the State Board of the Technical College System of Georgia,  
 145 formerly known as the State Board of Technical and Adult Education consisting of not  
 146 fewer than one member from each congressional district and nine at-large members who  
 147 shall be appointed by the Governor and confirmed by the Senate for five-year terms. Board  
 148 members in office on June 30, 2000, shall serve out the remainder of their respective terms.  
 149 Upon expiration of those terms, the Governor shall appoint seven successors to two-year  
 150 terms, six successors to three-year terms, and six successors to five-year terms. All  
 151 subsequent appointments shall be for regular five-year terms. Members shall represent  
 152 business, industry, or economic development. The board shall elect from its members a  
 153 chairperson, vice chairperson, and such other officers as are considered necessary, each to  
 154 serve for two-year terms. Officers may be elected to succeed themselves. Members shall  
 155 serve until their successors are appointed; however, in the event of a vacancy on the board  
 156 because of death, resignation, or removal for any reason other than expiration of a  
 157 member's term, the Governor shall fill such vacancy in the same manner as the original  
 158 appointment and the person so appointed shall serve for the unexpired term of office.

159 (b) As used in this article, the term 'state board' means the State Board of ~~Technical and~~  
 160 ~~Adult Education~~ the Technical College System of Georgia."

161 **SECTION 6B.**

162 The following Code sections of the Official Code of Georgia Annotated are amended by  
 163 replacing "State Board of Technical and Adult Education," "Board of Technical and Adult

164 Education" or "board of technical and adult education," wherever any such term occurs with  
165 "State Board of the Technical College System of Georgia":

- 166 (1) Code Section 12-5-127, relating to the licensing of water well contractors;
- 167 (2) Code Section 12-11-11, relating to the Conservation Corps Advisory Council;
- 168 (3) Code Section 20-1-22, relating to definitions relative to the "Drug-free Postsecondary  
169 Education Act of 1990";
- 170 (4) Code Section 20-1-26, relating to promulgation of administrative procedures for  
171 implementation of the "Drug-free Postsecondary Education Act of 1990";
- 172 (5) Code Section 20-2-161.1, relating to academic credit for enrollment in postsecondary  
173 courses;
- 174 (6) Code Section 20-2-169, relating to receipt of federal funds for career, occupational, or  
175 technical education;
- 176 (7) Code Section 20-4-11, relating to the powers of the State Board of Technical and Adult  
177 Education;
- 178 (8) Code Section 20-4-12, relating to expenses and mileage allowance for the State Board  
179 of Technical and Adult Education;
- 180 (9) Code Section 20-4-13, relating to meetings of the State Board of Technical and Adult  
181 Education;
- 182 (10) Code Section 20-4-14, relating to the establishment of the Technical College System  
183 of Georgia;
- 184 (11) Code Section 20-4-15, relating to the establishment of adult literacy programs;
- 185 (12) Code Section 20-4-16, relating to funding for adult literacy programs and  
186 postsecondary technical education programs;
- 187 (13) Code Section 20-4-19, relating to conformity to board standards, policies, and  
188 procedures of adult literacy programs;
- 189 (14) Code Section 20-4-21, relating to tuition fees for the Technical College System of  
190 Georgia;
- 191 (15) Code Section 20-4-24, relating to use of personnel by local units of administration in  
192 the Technical College System of Georgia;
- 193 (16) Code Section 20-4-25, relating to membership in the retirement system;
- 194 (17) Code Section 20-4-35, relating to the reduction in force policy;
- 195 (18) Code Section 20-4-40, relating to the establishment of the quick start training  
196 program;
- 197 (19) Code Section 20-4-41, relating to the extent and nature of the quick start training  
198 program to be offered;
- 199 (20) Code Section 20-4-43, relating to agreements for local facilities and employees for  
200 training;

- 201 (21) Code Section 20-4-44, relating to qualifications of employees of the quick start  
 202 training program;
- 203 (22) Code Section 20-4-45, relating to equipment procurement and use for the quick start  
 204 training program;
- 205 (23) Code Section 20-4-46, relating to standards, rules, and regulations of the quick start  
 206 training program;
- 207 (24) Code Section 20-4-47, relating to acceptance of federal and private grants;
- 208 (25) Code Section 20-13-8, relating to licensure of the Georgia Public Telecommunications  
 209 Commission;
- 210 (26) Code Section 20-13-9, relating to content of instructional television;
- 211 (27) Code Section 20-14-3, relating to membership, officers, and meetings of the  
 212 Education Coordinating Council;
- 213 (28) Code Section 20-14-50, relating to the adoption of performance measures, report  
 214 cards, and audit under the postsecondary accountability assessment program;
- 215 (29) Code Section 20-16-2, relating to definitions relative to the "Georgia Higher  
 216 Education Facilities Authority Act";
- 217 (30) Code Section 20-16-3, relating to the creation of the Georgia Higher Education  
 218 Facilities Authority;
- 219 (31) Code Section 20-16-4, relating to the powers of the Georgia Higher Education  
 220 Facilities Authority;
- 221 (32) Code Section 38-3-22.2, relating to the establishment of Airport Anti-Terrorism  
 222 Training Committee;
- 223 (33) Code Section 42-2-5.1, relating to special school district for school age youth and  
 224 education programs for adult offenders;
- 225 (34) Code Section 43-14-6, relating to powers and duties of divisions relating to electrical  
 226 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility  
 227 contractors,;
- 228 (35) Code Section 45-7-21, relating to expense allowance and travel cost reimbursement  
 229 for members of certain boards and commissions;
- 230 (36) Code Section 45-12-132, relating to contracts exempt from certain requirements;
- 231 (37) Code Section 50-20-8, relating to applicability of provisions for relations with  
 232 nonprofit contractors; and
- 233 (38) Code Section 50-36-1, relating to verification of lawful presence within United States.

234

**SECTION 6C.**

235 Said title is further amended in Article 2 of Chapter 4, relating to technical and adult  
 236 education, by adding a new Code section to read as follows:

S. B. 231 (SUB)

237 "20-4-37.  
238 On and after July 1, 2010, no creation, consolidation, suspension, or discontinuation of a  
239 technical college or institution under the State Board of Technical and Adult Education  
240 shall be effective or have any force and effect unless approved by the General Assembly  
241 in accordance with this Code section. Legislative approval shall be by Act of the General  
242 Assembly or the adoption of a joint resolution of the General Assembly."

243 **SECTION 7.**

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