

House Bill 1130

By: Representatives Benton of the 31st, Lindsey of the 54th, Maxwell of the 17th, England of the 108th, Coleman of the 97th, and others

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 under certain
3 conditions certain laws and requirements relating to maximum class size; to require a
4 hearing; to provide for accountability; to provide for statutory construction; to provide for
5 automatic repeal of such suspension; to provide for related matters; to provide for an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
10 "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

11 "20-2-245.

12 (a) From the effective date of this Code section through June 30, 2013, Code Section
13 20-2-182 shall be suspended and shall not apply to nor be enforceable against a local
14 school system if such local school system complies with subsection (b) of this Code
15 section; provided, however, that maximum class sizes in kindergarten through grade 5 shall
16 only be exceeded by one student and class sizes in grades 6 through 12 shall only be
17 exceeded by two students; provided, further, that the State Board of Education in its sole
18 discretion shall be authorized to approve through June 30, 2013, up to one additional
19 student per class above these limits for any grade upon request by a local board of
20 education.

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

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

25 (2) Conduct a public hearing for the purpose of providing an opportunity for full
26 discussion and public input. The public hearing shall be advertised at least seven days

27 prior to the date of such hearing in a local newspaper of general circulation which shall
 28 be the same newspaper in which other legal announcements of the local board of
 29 education are advertised.

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

33 (c) In order to retain the suspension of Code Section 20-2-182 contained in subsection (a)
 34 of this Code section, a local school system shall meet minimum performance measures as
 35 established by the State Board of Education, including both total scores and any needed
 36 targeted subgroups on the following:

37 (1) High school graduation rates;

38 (2) SAT or ACT performance;

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

42 (4) Advanced placement or international baccalaureate participation and performance;
 43 provided, however, that even if a local school system meets such minimum performance
 44 measures, it will not retain the suspension of Code Section 20-2-182 contained in
 45 subsection (a) of this Code section unless the school system maintains or exceeds its
 46 performance levels in these areas as compared with the previous school year.

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

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

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

55 **SECTION 2.**

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

58 **SECTION 3.**

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