

House Bill 172

By: Representatives Coleman of the 97<sup>th</sup>, Casas of the 103<sup>rd</sup>, Nix of the 69<sup>th</sup>, Ashe of the 56<sup>th</sup>,  
Clark of the 104<sup>th</sup>, and others

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 extend the date by which school systems must  
3 notify the department of their intention to request flexibility or remain status quo; to  
4 temporarily extend certain expenditure control waivers relating to funds earned for direct  
5 instructional costs, media center costs, staff and professional development costs, and  
6 additional days of instruction; to provide for automatic repeal; to temporarily extend  
7 flexibility in maximum class size requirements in kindergarten through grade eight; to  
8 temporarily extend certain deadlines relating to annual teacher contracts; to provide for  
9 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
14 secondary education, is amended by revising subsection (b) of Code Section 20-2-84.3,  
15 relating to flexibility contracts, as follows:

16 "(b) No later than June 30, ~~2013~~ 2015, each local school system shall either notify the  
17 department of its intention to request increased flexibility pursuant to this article or shall  
18 comply with subsection (b) of Code Section 20-2-80."

19 **SECTION 2.**

20 Said chapter is further amended by revising subsection (f) of Code Section 20-2-167, relating  
21 to funding for direct instructional, media center, and staff development costs, as follows:

22 "(f)(1) For school years 2009-2010, 2010-2011, 2011-2012, ~~and 2012-2013, 2013-2014,~~  
23 and 2014-2015 only, the expenditure controls contained in subsection (a) of this Code  
24 section relating to direct instructional costs, media center costs, and staff and professional

development costs shall be waived and shall not apply to nor be enforceable against a local school system.

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

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

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

(5) This subsection shall be automatically repealed on July 1, ~~2013~~ 2015."

**SECTION 3.**

Said chapter is further amended by revising paragraph (1) of 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~~, 2013-2014, and 2014-2015 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 so 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."

**SECTION 4.**

Said chapter is further amended by revising subsection (b) of Code Section 20-2-184.1, relating to funding for additional days of instruction, as follows:

"(b)(1) For school years 2010-2011, 2011-2012, ~~and 2012-2013~~, 2013-2014, and 2014-2015 only, the expenditure controls contained in subsection (a) of this Code section relating to additional days of instruction shall be waived and shall not apply to nor be enforceable against a local school system.

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

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

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

(5) This subsection shall be automatically repealed on July 1, ~~2013~~ 2015."

**SECTION 5.**

Said chapter is further amended by revising subsection (b) of Code Section 20-2-211, relating to annual contracts for teachers, as follows:

"(b) Any other provisions of this article or any other laws to the contrary notwithstanding, each local governing board shall, by not later than April 15 of the current school year, tender a new contract for the ensuing school year to each teacher and other professional employee certificated by the Professional Standards Commission on the payroll of the local unit of administration at the beginning of the current school year, except those who have resigned or who have been terminated as provided in Part 7 of Article 17 of this chapter, or shall notify in writing each such teacher or other certificated professional employee of the intention of not renewing his or her contract for the ensuing school year; provided, however, that for school years 2010-2011, 2011-2012, ~~and 2012-2013~~, 2013-2014, and 2014-2015 only, each local governing board shall have until May 15 of the current school year to tender such new contracts or provide such written notice. Such contracts when tendered to each teacher or other professional employee shall be complete in all terms and conditions of the contract, including the amount of compensation to be paid to such teacher or other professional employee during the ensuing school year, and shall not contain blanks or leave any terms and conditions of the contract open. A letter of intent or similar document shall not constitute a contract and shall not be construed to require or otherwise legally bind the teacher or other professional employee to return to such school system.

94 Upon request, a written explanation for failure to renew such contract shall be made  
95 available to such certificated personnel by the executive officer. When such notice of  
96 intended termination has not been given by April 15, or by May 15 for school years  
97 2010-2011, 2011-2012, ~~and 2012-2013~~, 2013-2014, and 2014-2015 only, the employment  
98 of such teacher or other certificated professional employee shall be continued for the  
99 ensuing school year unless the teacher or certificated professional employee elects not to  
100 accept such employment by notifying the local governing board or executive officer in  
101 writing not later than May 1, or by June 1 for school years 2010-2011, 2011-2012, ~~and~~  
102 2012-2013, 2013-2014, and 2014-2015 only."

103 **SECTION 6.**

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

106 **SECTION 7.**

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