

House Bill 192

By: Representatives Coleman of the 97th, England of the 108th, Carter of the 175th, Abrams of the 84th, Kaiser of the 59th, 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 establish the State Education Finance
3 Study Commission to evaluate the Quality Basic Education Formula and education funding
4 for public schools; to provide for legislative findings; to provide for composition of the
5 commission; to provide for compensation of the members of the commission; to provide for
6 duties and powers; to provide for support staff; to provide for a timeline; to provide for
7 automatic repeal on a certain date; to provide for related matters; to provide an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**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 adding a new part to read as follows:

13 style="text-align:center">"Part 17

14 20-2-330.

15 The General Assembly passed the Quality Basic Education Act (QBE) in 1985 by
16 unanimous vote. The legislation was the culmination of two years of work by the
17 Education Review Commission, a body made up of business leaders, parents, teachers,
18 education experts, and other community leaders, which was charged with developing a
19 comprehensive educational reform package for Georgia. The QBE Formula, along with
20 several other formula related components, has served as the method of calculating the
21 funding needs of Georgia school systems for the past 25 years. The General Assembly has
22 now determined that it is in the best interests of the state and its citizenry to undertake a
23 comprehensive study of the method of funding schools in Georgia.

24 20-2-331.

25 (a) The State Education Finance Study Commission is hereby created to evaluate the
 26 Quality Basic Education Formula and any other program or matter relative to education
 27 funding in Georgia as provided in this part. Members of the commission should have good
 28 working knowledge of education and education finance. Members must be willing to
 29 commit time to actively participate in full committee meetings and subcommittee meetings
 30 and must agree to balance the educational needs of children and the resources provided by
 31 the citizens of Georgia. The commission shall be composed of 25 members as follows:

32 (1) The following members, appointed by the Governor:

33 (A) A local school superintendent;

34 (B) A teacher;

35 (C) A principal or other administrator;

36 (D) A member of a local board of education;

37 (E) A member of the State Board of Education;

38 (F) A representative from a college of education in the University System of Georgia;

39 (G) A representative from vocational-career academies within the Technical College
 40 System of Georgia;

41 (H) A parent; and

42 (I) A representative from the Professional Standards Commission;

43 (2) Three representatives from the business community, one each appointed by the
 44 Governor, the Speaker of the House of Representatives, and the Lieutenant Governor;

45 (3) The State School Superintendent;

46 (4) Six members of the House of Representatives, appointed by the Speaker of the House
 47 of Representatives, including the chairperson of the House Committee on Education; and

48 (5) Six members of the Senate, appointed by the Lieutenant Governor, including the
 49 chairperson of the Senate Education and Youth Committee.

50 (b) The chairpersons of the House Committee on Education and the Senate Education and
 51 Youth Committee shall serve as cochairpersons of the commission. The commission may
 52 elect other officers as deemed necessary. The cochairpersons may designate and appoint
 53 subcommittees from among the membership of the commission as well as appoint other
 54 persons to perform such functions as they may determine to be necessary as relevant to and
 55 consistent with this part. The cochairpersons shall only vote to break a tie.

56 (c) The commission may engage additional ad hoc nonvoting members as needed to
 57 address certain issues in subcommittee. This may include, but not be limited to, input from
 58 various personnel experienced in the Quality Basic Education Formula, such as counselors,
 59 special education teachers, social workers, psychologists, art teachers, music teachers,

60 physical education teachers, foreign language teachers, agriculture and career-technical
61 education teachers, media specialists, school nutrition managers, and transportation
62 managers.

63 (d) The cochairpersons shall be authorized to appoint a steering committee composed of
64 members of the commission to monitor the progress of the commission, to ensure timelines
65 are being met, and to mediate differences that might arise in the course of the study.

66 20-2-332.

67 (a) The commission shall hold meetings at the call of the cochairpersons. The commission
68 shall meet at least quarterly and subcommittees shall meet as often as needed to complete
69 tasks.

70 (b) A quorum for transacting business shall be a majority of the members of the
71 commission.

72 (c) Any legislative members of the commission shall receive the allowances provided for
73 in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
74 amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
75 transportation allowance authorized for state employees. Any members of the commission
76 who are state officials, other than legislative members, and state employees shall receive
77 no compensation for their services on the commission, but they shall be reimbursed for
78 expenses incurred by them in the performance of their duties as members of the
79 commission in the same manner as they are reimbursed for expenses in their capacities as
80 state officials or employees. The funds necessary for the reimbursement of the expenses
81 of state officials, other than legislative members, and state employees shall come from
82 funds appropriated to or otherwise available to their respective departments. All other
83 funds necessary to carry out the provisions of this part shall come from funds appropriated
84 to the House of Representatives and the Senate.

85 20-2-333.

86 (a) The commission shall study and evaluate the cost and resources needed to educate a
87 child through review of the following core issues relating to education financing:

88 (1) **QBE Formula:**

89 (A) Evaluate the various components of the formula, including teacher salaries,
90 maintenance and operations, and textbooks, and determine whether there needs to be
91 adjustments;

92 (B) Consider whether new components should be added to the formula, such as
93 technology;

- 94 (C) Consider whether other programs that have been proven successful should be
 95 added to the formula, such as graduation coaches; and
- 96 (D) Review other areas within the QBE Act that relate to or impact school funding,
 97 such as maximum class sizes and expenditure controls, and whether local school
 98 systems should continue to be given flexibility in these areas;
- 99 **(2) State and local funding partnership:** Examine the requirement that school systems
 100 must levy 5 mills in order to draw down state QBE funding and whether the current
 101 method should continue or whether school systems should be required to pay a certain
 102 percentage of the formula or for certain expenditures;
- 103 **(3) Equalization:** Examine the equalization grant to determine if the purpose of the grant
 104 is being met and whether revisions are needed;
- 105 **(4) Student transportation:**
- 106 (A) Review the current formula for student transportation; and
 107 (B) Review other safety issues related to student transportation, such as funding bus
 108 monitors and seat belts;
- 109 **(5) State schools funding:** Examine funding for the three schools for blind and deaf
 110 children operated by the state to identify needed changes in the funding method, whether
 111 additional funding for residential, medical, and other costs unique to the schools should
 112 be provided, and whether local school systems should be contributing to the cost of
 113 educating these children; and
- 114 **(6) Capital outlay:**
- 115 (A) Review the capital outlay programs for which school systems may be eligible to
 116 ensure that each program is effective and adequately funded; and
 117 (B) Because the program is currently scheduled to sunset on June 30, 2015,
 118 recommend whether and how long the program should be extended.
- 119 **(b) The commission is encouraged, if time permits, to study and evaluate the following**
 120 **issues relating to education financing;**
- 121 **(1) Charter schools:**
- 122 (A) Review Georgia's charter laws and determine what changes may need to be made
 123 to streamline the chartering process and provide fair funding for the various types of
 124 charter schools; and
 125 (B) Examine the issue of funding for operations and facilities;
- 126 **(2) Career academies, Move on When Ready, Accel Program, dual enrollment,**
 127 **virtual schools:**
- 128 (A) Review the various funding mechanisms for each of these nontraditional programs;
 129 and

130 (B) Consider the costs of administering these types of programs and the appropriate
 131 funding mechanism;

132 (3) **Teacher pay:**

133 (A) Review the issue of whether performance pay should be implemented;

134 (B) Determine how such a program could be sustained long-term; and

135 (C) Review the requirements of the federal Race to the Top initiative and how the state
 136 may be required to implement performance pay;

137 (4) **Non-QBE grants:**

138 (A) Review other grant programs available to school systems, including but not limited
 139 to school nutrition, sparsity grants, migrant education, preschool disabled, the severely
 140 and emotionally disturbed program, and school nurses; and

141 (B) Make recommendations on funding updates that are needed; and

142 (5) **Other Title 20 revisions:** Review all key statutes and provisions of this title to
 143 ensure laws are updated and whether any laws which represent an unfunded mandate
 144 should be eliminated.

145 (c) The commission shall have the following powers:

146 (1) To request and receive data from and review the records of appropriate agencies and
 147 entities to the greatest extent allowed by state and federal law;

148 (2) To accept public or private grants, devises, and bequests;

149 (3) To enter into all contracts or agreements necessary or incidental to the performance
 150 of its duties; and

151 (4) To conduct studies, collect data, or take any other action the commission deems
 152 necessary to fulfill its responsibilities.

153 (d) The commission shall be authorized to retain the services of auditors, attorneys,
 154 financial consultants, education experts, economists, and other individuals or firms as
 155 determined appropriate by the commission.

156 20-2-333.1.

157 (a) Staff support for the commission shall be provided by the Department of Education,
 158 the Governor's office, the Office of Planning and Budget, the House of Representatives,
 159 the Senate, and the Office of Legislative Counsel. The cochairpersons of the commission
 160 shall designate an individual to serve as staff director for the commission.

161 (b) The commission may request assistance and input from agencies and organizations as
 162 needed, including the University System of Georgia, the Technical College System of
 163 Georgia, the Professional Standards Commission, the Georgia Student Finance
 164 Commission, the Department of Early Care and Learning, the Office of Student

165 Achievement, the Georgia Partnership for Excellence in Education, the Georgia School
 166 Superintendents Association, the Georgia School Boards Association, the Georgia
 167 Association of Educational Leaders, the Georgia Association of Educators, the Professional
 168 Association of Georgia Educators, the Southern Regional Education Board, private
 169 corporations, and other organizations willing to participate.

170 20-2-333.2.

171 (a) The commission shall perform its work in accordance with the following:

172 (1) No later than May 15, 2011: Commission members appointed;

173 (2) No later than June 30, 2011: First commission meeting conducted;

174 (3) September 30, 2011: Interim recommendations completed;

175 (4) December 31, 2011: Proposed legislation for interim recommendations completed;

176 (5) September 30, 2012: Final recommendations completed; and

177 (6) December 31, 2012: Proposed legislation for final recommendations completed.

178 (b) Such recommendations and proposed legislation shall be submitted by the commission
 179 in accordance with the schedule in subsection (a) of this Code section to the Governor and
 180 the General Assembly.

181 (c) The final recommendations shall include a prioritization of all recommendations,
 182 including those that do and do not require additional funding. Such final recommendations
 183 shall include a proposed timeline for implementation of recommendations, an estimated
 184 cost of each recommendation, and the target year for including in the state budget.

185 20-2-333.3.

186 The commission shall stand abolished and this part shall be repealed on March 31, 2013."

187 **SECTION 2.**

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

190 **SECTION 3.**

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