

SENATE SUBSTITUTE TO HB 192

AS PASSED SENATE

**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 enact the "Rachel Sackett Act"; to authorize public
 8 school students to participate in extracurricular activities at other public schools in their
 9 attendance zone; to provide for definitions; to provide that the student is subject to the same
 10 rules and regulations applicable to other students; to provide for rules and regulations; to
 11 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
 12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

17 "Part 17

18 20-2-330.

19 The General Assembly passed the Quality Basic Education Act (QBE) in 1985 by
 20 unanimous vote. The legislation was the culmination of two years of work by the
 21 Education Review Commission, a body made up of business leaders, parents, teachers,
 22 education experts, and other community leaders, which was charged with developing a
 23 comprehensive educational reform package for Georgia. The QBE Formula, along with

24 several other formula related components, has served as the method of calculating the
 25 funding needs of Georgia school systems for the past 25 years. The General Assembly has
 26 now determined that it is in the best interests of the state and its citizenry to undertake a
 27 comprehensive study of the method of funding schools in Georgia.

28 20-2-331.

29 (a) The State Education Finance Study Commission is hereby created to evaluate the
 30 Quality Basic Education Formula and any other program or matter relative to education
 31 funding in Georgia as provided in this part. Members of the commission should have good
 32 working knowledge of education and education finance. Members must be willing to
 33 commit time to actively participate in full committee meetings and subcommittee meetings
 34 and must agree to balance the educational needs of children and the resources provided by
 35 the citizens of Georgia. The commission shall be composed of 20 members as follows:

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

37 (A) A local school superintendent;

38 (B) A principal or other administrator;

39 (C) A teacher;

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

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

42 (F) A representative from the System Office of the University System of Georgia;

43 (G) A representative from the Technical College System of Georgia;

44 (H) A representative from the Professional Standards Commission;

45 (I) A school finance officer; and

46 (J) One representative from the business community;

47 (2) The State School Superintendent;

48 (3) The chief financial officer of the Department of Education;

49 (4) Four members of the House of Representatives, appointed by the Speaker of the
 50 House of Representatives, including the chairperson of the House Committee on
 51 Education; and

52 (5) Four members of the Senate, appointed by the Lieutenant Governor, including the
 53 chairperson of the Senate Education and Youth Committee.

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

60 (c) The commission may engage additional ad hoc nonvoting members as needed to
61 address certain issues in subcommittee. This may include, but not be limited to, input from
62 various personnel experienced in the Quality Basic Education Formula, such as counselors,
63 pre-K personnel, special education teachers, social workers, psychologists, art teachers,
64 music teachers, physical education teachers, foreign language teachers, agriculture and
65 career-technical education teachers, media specialists, school nutrition managers, and
66 transportation managers.

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

70 20-2-332.

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

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

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

89 20-2-333.

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

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(1) QBE Formula:

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

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

(C) Consider whether other programs that have been proven successful should be added to the formula, such as graduation coaches; and

(D) Review other areas within the QBE Act that relate to or impact school funding, such as maximum class sizes and expenditure controls, and whether local school systems should continue to be given flexibility in these areas;

(2) State and local funding partnership: Examine the requirement that school systems must levy 5 mills in order to draw down state QBE funding and whether the current method should continue or whether school systems should be required to pay a certain percentage of the formula or for certain expenditures;

(3) Equalization: Examine the equalization grant to determine if the purpose of the grant is being met and whether revisions are needed;

(4) Student transportation:

(A) Review the current formula for student transportation; and

(B) Review other safety issues related to student transportation, such as funding bus monitors and seat belts;

(5) State schools funding: Examine funding for the three schools for blind and deaf children operated by the state to identify needed changes in the funding method, whether additional funding for residential, medical, and other costs unique to the schools should be provided, and whether local school systems should be contributing to the cost of educating these children; and

(6) Capital outlay:

(A) Review the capital outlay programs for which school systems may be eligible to ensure that each program is effective and adequately funded; and

(B) Because the program is currently scheduled to sunset on June 30, 2015, recommend whether and how long the program should be extended.

(b) The commission is encouraged, if time permits, to study and evaluate the following issues relating to education financing;

(1) Charter schools:

(A) Review Georgia's charter laws and determine what changes may need to be made to streamline the chartering process and provide fair funding for the various types of charter schools; and

- 129 (B) Examine the issue of funding for operations and facilities;
- 130 **(2) Career, Technical, and Agriculture Education, dual enrollment, virtual schools:**
- 131 (A) Review the various funding mechanisms for each of these nontraditional programs;
- 132 and
- 133 (B) Consider the costs of administering these types of programs and the appropriate
- 134 funding mechanism;
- 135 **(3) Teacher pay:**
- 136 (A) Review the issue of whether performance pay should be implemented;
- 137 (B) Determine how such a program could be sustained long-term; and
- 138 (C) Review the requirements of the federal Race to the Top initiative and how the state
- 139 may be required to implement performance pay;
- 140 **(4) Non-QBE grants:**
- 141 (A) Review other grant programs available to school systems, including but not limited
- 142 to school nutrition, sparsity grants, migrant education, preschool disabled, the severely
- 143 and emotionally disturbed program, and school nurses; and
- 144 (B) Make recommendations on funding updates that are needed; and
- 145 **(5) Other Title 20 revisions:** Review all key statutes and provisions of this title to
- 146 ensure laws are updated and whether any laws which represent an unfunded mandate
- 147 should be eliminated.
- 148 **(c) The commission shall have the following powers:**
- 149 (1) To request and receive data from and review the records of appropriate agencies and
- 150 entities to the greatest extent allowed by state and federal law;
- 151 (2) To accept public or private grants, devises, and bequests;
- 152 (3) To enter into all contracts or agreements necessary or incidental to the performance
- 153 of its duties; and
- 154 (4) To conduct studies, collect data, or take any other action the commission deems
- 155 necessary to fulfill its responsibilities.
- 156 **(d) The commission shall be authorized to retain the services of auditors, attorneys,**
- 157 **financial consultants, education experts, economists, and other individuals or firms as**
- 158 **determined appropriate by the commission.**
- 159 20-2-333.1.
- 160 (a) Staff support for the commission shall be provided by the Department of Education,
- 161 the Governor's office, the Office of Planning and Budget, the House of Representatives,
- 162 the Senate, and the Office of Legislative Counsel. The cochairpersons of the commission
- 163 shall designate an individual to serve as staff director for the commission.

164 (b) The commission may request assistance and input from agencies and organizations as
 165 needed, including the University System of Georgia, the Technical College System of
 166 Georgia, the Professional Standards Commission, the Georgia Student Finance
 167 Commission, the Department of Early Care and Learning, the Office of Student
 168 Achievement, the Georgia Partnership for Excellence in Education, the Georgia School
 169 Superintendents Association, the Georgia School Boards Association, the Georgia
 170 Association of Educational Leaders, the Georgia Association of Educators, the Professional
 171 Association of Georgia Educators, the Southern Regional Education Board, the Georgia
 172 Charter Schools Association, private corporations, and other organizations willing to
 173 participate.

174 20-2-333.2.

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

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

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

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

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

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

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

182 (b) Such recommendations and proposed legislation shall be submitted by the commission
 183 in accordance with the schedule in subsection (a) of this Code section to the Governor and
 184 the General Assembly; provided, however, that the commission may modify these dates
 185 if necessary.

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

190 20-2-333.3.

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

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193 **SECTION 1A.**

194 Said article is further amended by adding a new Code section to read as follows:

195 "20-2-319.3.

196 (a) This Code section shall be known and may be cited as the "Rachel Sackett Act."

197 (b) As used in this Code section, the term:

198 (1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code
 199 Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code
 200 Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code
 201 Section 20-2-2081.

202 (2) 'Nonenrolled student' means a student enrolled in a traditional public school, a charter
 203 school, or a virtual school who resides within the attendance zone of another public
 204 school but who is not enrolled in such school. For purposes of a charter school and a
 205 virtual school, the attendance zone shall be as designated in its charter.

206 (3) 'Public school' means, without limitation, a traditional public school and a charter
 207 school.

208 (4) 'Virtual school' means a charter school in which students attend all courses via the
 209 Internet or other electronic medium not involving on-site interaction with a teacher.

210 (c) A public school shall allow any nonenrolled student to participate in any
 211 extracurricular activity offered or conducted by such public school in the same manner as
 212 any student currently enrolled at such public school as long as the public school that the
 213 student is attending does not offer such extracurricular activity. A nonenrolled public
 214 school student desiring to participate in an extracurricular activity shall register with the
 215 principal of the public school, or his or her designee, such intent to participate in
 216 extracurricular activities of the public school in accordance with rules and regulations
 217 established by the State Board of Education. The final approval for such participation shall
 218 reside in the discretion of the principal which shall only be withheld with just cause in
 219 accordance with state board rules and regulations as established pursuant to subsection (e)
 220 of this Code section and in accordance with local board policies, or State Board of
 221 Education or Georgia Charter Schools Commission policies, for a state chartered special
 222 school or a commission charter school, respectively. If approval is not granted, the
 223 principal shall provide notice in writing to the student and his or her parent or guardian
 224 which shall include the reason the participation was not approved.

225 (d) A nonenrolled student shall comply with the same rules and requirements and be
 226 subject to the same code of conduct applicable to any student's participation in the same
 227 activity.

228 (e) The State Board of Education shall establish rules and regulations to implement the
 229 provisions of this Code section, including procedures to follow if the interest in an
 230 extracurricular activity at a particular public school exceeds the capacity of such activity."

231 **SECTION 2.**

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

234 **SECTION 3.**
235 All laws and parts of laws in conflict with this Act are repealed.