

House Bill 706

By: Representatives Dudgeon of the 24<sup>th</sup>, Coleman of the 97<sup>th</sup>, England of the 108<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Dickson of the 6<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 delete obsolete, unused, and unnecessary  
3 provisions; to clarify a provision relating to eligibility for enrollment; to eliminate a deadline  
4 for annual performance evaluations; to clarify the legal status of regional educational service  
5 agencies; to provide that declarations of intent and attendance records for home study  
6 programs are submitted to the Department of Education rather than local school systems; to  
7 revise provisions for purposes of conformity; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
12 secondary education, is amended by revising Code Section 20-2-5, relating to oaths of  
13 members of the State Board of Education, board meetings, and the chairperson, as follows:

14 "20-2-5.

15 The members of the State Board of Education shall take an oath of office for the faithful  
16 performance of their duties and the oath of allegiance to the federal and state Constitutions.  
17 ~~They shall meet at the state capital in the Department of Education or at such place in the~~  
18 ~~capital as may be designated by the Governor for that purpose.~~ The state board shall meet  
19 quarterly in regular session at such time as it may by regulation provide and may hold  
20 additional meetings at the call of the chairperson, provided that upon the written request  
21 of a majority of the members of the state board, the State School Superintendent shall call  
22 a meeting at any time."

23 **SECTION 2.**

24 Said chapter is further amended by revising Code Section 20-2-5.2, relating to elections of  
 25 chairperson and other officers of the State Board of Education, and the term, duties, and  
 26 authority of the chairperson, as follows:

27 "20-2-5.2.

28 The State Board of Education shall elect a chairperson and such other officers it may deem  
 29 appropriate. The term of the chairperson shall be fixed by the state board. The chairperson  
 30 shall preside at meetings of the state board, set the agenda for the state board, and perform  
 31 such other duties as required by the state board. ~~The chairperson is authorized, after a  
 32 reasonable attempt at consultation with the State School Superintendent, to require any  
 33 employee of the Department of Education to furnish information or perform functions for  
 34 the state board."~~

35 **SECTION 3.**

36 Said chapter is further amended by revising Code Section 20-2-7, relating to where  
 37 committee meetings of the State Board of Education may be held, as follows:

38 "20-2-7.

39 The members of the State Board of Education as a committee or any committee of the state  
 40 board ~~when authorized by board action taken at a meeting held at the state capital in the  
 41 Department of Education~~ may hold committee meetings anywhere within or outside this  
 42 state when necessary to obtain information for future guidance of the state board; ~~provided,  
 43 however, no action of the state board shall be of force and effect unless such action is taken  
 44 at a regular or called meeting of the state board held at the state capital in the Department  
 45 of Education as provided by Code Section 20-2-5."~~

46 **SECTION 4.**

47 Said chapter is further amended by repealing and reserving Code Section 20-2-12, relating  
 48 to educational television programs.

49 **SECTION 5.**

50 Said chapter is further amended by repealing and reserving Code Section 20-2-100, relating  
 51 to substituting county school superintendent for county school commissioner.

52 **SECTION 6.**

53 Said chapter is further amended by revising Code Section 20-2-103, relating to the oath of  
 54 the county school superintendent, as follows:

55 "20-2-103.

56 Before entering upon the discharge of his or her official duties, the ~~county~~ local school  
57 superintendent shall take and subscribe to the ~~same~~ following oath of office ~~required of the~~  
58 ~~other officers of this state.:~~

59 STATE OF GEORGIA

60 COUNTY OF \_\_\_\_\_

61 I, \_\_\_\_\_, do solemnly swear or affirm that I will truly perform the  
62 duties of local school superintendent of the \_\_\_\_\_ School System  
63 to the best of my ability.

64 I do further swear or affirm:

65 (1) That I am not the holder of any unaccounted for public money due this state or any  
66 political subdivision or authority thereof;

67 (2) That I am not the holder of any office of trust under the government of the United  
68 States, any other state, or any foreign state which I am by the laws of the State of Georgia  
69 prohibited from holding;

70 (3) That I am otherwise qualified to hold said office according to the Constitution and  
71 the laws of Georgia; and

72 (4) That I will support the Constitution of the United States and of this state.

73 \_\_\_\_\_  
74 Signature of local school superintendent

75 \_\_\_\_\_  
76 Typed name of member of  
77 local school superintendent

78 Sworn and subscribed  
79 before me this \_\_\_\_\_ day  
80 of \_\_\_\_\_, \_\_\_\_\_.  
81 (SEAL)."

82 **SECTION 7.**

83 Said chapter is further amended by revising subsection (b) of Code Section 20-2-150, relating  
84 to eligibility for enrollment, as follows:

85 "(b) A child who was a legal resident of one or more other states or countries for a period  
86 of two years immediately prior to moving to this state and who was legally enrolled in a  
87 public kindergarten or first grade, or a kindergarten or first grade accredited by a state or  
88 regional association or the equivalent thereof, shall be eligible for enrollment in the

89 appropriate general or special education programs authorized in this part if such child will  
90 attain the age of five for kindergarten or six for first grade by December 31 and is  
91 otherwise qualified."

92 **SECTION 8.**

93 Said chapter is further amended in Code Section 20-2-168, relating to distribution of federal  
94 funds, combined purchase of supplies and equipment, minimum school year, summer school  
95 programs, and year-round operation, by repealing subsection (f), relating to the "Summer  
96 Opportunity Program."

97 **SECTION 9.**

98 Said chapter is further amended by revising subsection (d) of Code Section 20-2-210, relating  
99 to annual performance evaluations for school personnel, as follows:

100 "(d) The superintendent of each local school system shall identify an appropriately trained  
101 evaluator for each person employed by the local unit of administration for the purposes of  
102 completing an annual evaluation as required in subsections (a) and (b) of this Code section.  
103 ~~The evaluator shall be required to complete such annual evaluation for each certificated~~  
104 ~~person prior to April 1 of each year.~~ The superintendent of each local school system shall  
105 be responsible for ensuring compliance with this Code section."

106 **SECTION 10.**

107 Said chapter is further amended by repealing and reserving Code Section 20-2-212.3, relating  
108 to increasing teachers' salaries in areas of shortage.

109 **SECTION 11.**

110 Said chapter is further amended by repealing and reserving Code Section 20-2-212.4, relating  
111 to an additional five percent increase in teacher salary based on student performance.

112 **SECTION 12.**

113 Said chapter is further amended by repealing and reserving Code Section 20-2-213, relating  
114 to career ladder programs.

115 **SECTION 13.**

116 Said chapter is further amended by repealing Code Section 20-2-231, relating to the Georgia  
117 Education Leadership Academy.

118 **SECTION 14.**

119 Said chapter is further amended by repealing Code Section 20-2-232, relating to staff  
120 development plans by local school systems.

121 **SECTION 15.**

122 Said chapter is further amended by revising Code Section 20-2-240, relating to the powers  
123 and duties of the State Board of Education, as follows:

124 "20-2-240.

125 (a) The State Board of Education shall adopt and prescribe all rules, regulations, and  
126 policies required by this article and such other rules, regulations, and policies as may be  
127 reasonably necessary or advisable for proper implementation, enforcement, and carrying  
128 out of this article and other public school laws and for assuring a more economical and  
129 efficient operation of the public schools of this state or any phase of public elementary and  
130 secondary education in this state. The state board shall establish and enforce standards for  
131 operation of all public elementary and secondary schools and local units of administration  
132 in this state so as to assure, to the greatest extent possible, equal and quality educational  
133 programs, curricula, offerings, opportunities, and facilities for all of Georgia's children and  
134 youth and for economy and efficiency in administration and operation of public schools  
135 and local school systems throughout the state. The state board shall have the power to  
136 perform all duties and to exercise all responsibilities vested in it by provisions of law for  
137 the improvement of public elementary and secondary education in this state, including  
138 actions designed to improve teacher and school effectiveness through research and  
139 demonstration projects. The state board shall have the power to take such actions as it  
140 deems necessary to ensure that the citizens have full awareness and knowledge relative to  
141 the costs, quality, and performance of the public elementary and secondary schools of this  
142 state. All rules, regulations, policies, and standards adopted or prescribed by the state board  
143 in carrying out this article and other school laws shall, if not in conflict therewith, have the  
144 full force and effect of law.

145 ~~(b) The State Board of Education is authorized, after a reasonable attempt at consultation~~  
146 ~~with the State School Superintendent, to organize and reorganize the Department of~~  
147 ~~Education and the various offices, divisions, sections, and units thereof and to prescribe the~~  
148 ~~duties, functions, and operations of each at such times and in such manner as the state~~  
149 ~~board may deem necessary or desirable for the more economical or effective organization,~~  
150 ~~administration, or functioning of the department."~~

151 **SECTION 16.**

152 Said chapter is further amended by repealing and reserving Code Section 20-2-251, relating  
153 to demonstration programs.

154 **SECTION 17.**

155 Said chapter is further amended by repealing and reserving Code Section 20-2-252, relating  
156 to electronic technology.

157 **SECTION 18.**

158 Said chapter is further amended by repealing and reserving Code Section 20-2-253, relating  
159 to achievement grants.

160 **SECTION 19.**

161 Said chapter is further amended by repealing and reserving Code Section 20-2-254, relating  
162 to educational research.

163 **SECTION 20.**

164 Said chapter is further amended by adding a new subsection to Code Section 20-2-270,  
165 relating to the establishment of a state-wide network of regional educational service agencies,  
166 to read as follows:

167 "(f) Regional educational service agencies are not state agencies but shall be considered  
168 local units of administration for purposes of this chapter."

169 **SECTION 21.**

170 Said chapter is further amended by revising subsection (b) of Code Section 20-2-281, relating  
171 to assessment of effectiveness of educational programs, as follows:

172 "(b) The nationally normed assessments provided for in subsection (a) of this Code section  
173 shall provide students and their parents with grade equivalencies and percentile ranks  
174 which result from the administration of such tests. Criterion-referenced tests and the high  
175 school graduation test provided for in subsection (a) of this Code section shall provide for  
176 results that reflect student achievement at the individual student, classroom, school, system,  
177 and state levels. The State Board of Education shall participate in the National Assessment  
178 of Educational Progress (NAEP) and may participate in any other tests that will allow  
179 benchmarking this state's performance against national or international performance. The  
180 results of such testing shall be provided to the Governor, the General Assembly, and the  
181 State Board of Education and shall be reported to the citizens of Georgia. Further, the state  
182 board shall adopt a school readiness assessment for students entering first grade and shall

183 administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section  
 184 20-2-151. One of the components in the awarding of salary supplements as part of a pay  
 185 for performance or related plan pursuant to ~~Code Section 20-2-213~~ or other Code sections  
 186 under this article may be assessments of student achievement."

187 **SECTION 22.**

188 Said chapter is further amended by repealing Code Section 20-2-285.1, relating to provisions  
 189 applicable to third-grade criterion-referenced reading assessment students.

190 **SECTION 23.**

191 Said chapter is further amended by repealing and reserving Code Section 20-2-303, relating  
 192 to educational television.

193 **SECTION 24.**

194 Said chapter is further amended by repealing and reserving Code Section 20-2-312, relating  
 195 to a state program for middle school children during nonschool hours.

196 **SECTION 25.**

197 Said chapter is further amended by revising Code Section 20-2-500, relating to promulgation  
 198 of rules and regulations for contracts or purchases over \$100.00, purchases over \$100,000.00,  
 199 and vendor preferences, as follows:

200 "20-2-500.

201 ~~(a) The State Board of Education is authorized to promulgate rules and regulations to~~  
 202 ~~regulate contracts or purchases which involve the aggregate sum of \$100.00 or more for~~  
 203 ~~or on behalf of students of any public elementary or secondary school supported in whole~~  
 204 ~~or in part from public funds.~~

205 ~~(b)(1) Such rules shall provide that such contracts for or purchases of supplies, materials,~~  
 206 ~~equipment, or agricultural products, including but not limited to school buses but not~~  
 207 ~~including instructional materials or beverages for immediate consumption, for public~~  
 208 ~~elementary and secondary schools supported in whole or in part from public funds shall~~  
 209 ~~give preference as far as may be reasonable and practicable to such supplies, materials,~~  
 210 ~~equipment, and agricultural products as may be manufactured or produced in this state.~~  
 211 ~~Such preference shall not sacrifice quality.~~

212 ~~(2) Such rules shall provide that, in determining whether such a preference is reasonable~~  
 213 ~~in any case where the value of a contract for or purchase of such supplies, materials,~~  
 214 ~~equipment, or agricultural products exceeds \$100,000.00, the local school district shall~~  
 215 ~~consider, among other factors, information submitted by the bidder which may include~~

216 ~~the bidder's estimate of the multiplier effect on gross state domestic product and the effect~~  
 217 ~~on public revenues of the state and the effect on public revenues of political subdivisions~~  
 218 ~~resulting from acceptance of a bid or offer to sell Georgia manufactured or produced~~  
 219 ~~goods as opposed to out-of-state manufactured or produced goods. Any such estimates~~  
 220 ~~shall be in writing. No local school district shall divide a contract or purchase which~~  
 221 ~~exceeds \$100,000.00 for the purpose of avoiding the requirements of this paragraph.~~

222 (c)(a) Vendors resident in the State of Georgia are to be granted the same preference over  
 223 vendors resident in another state in the same manner, on the same basis, and to the same  
 224 extent that preference is granted in awarding bids for the same goods or services by such  
 225 other state to vendors resident therein over vendors resident in the State of Georgia.

226 (d)(b) Nothing in this Code section shall negate the requirements of Code Section  
 227 50-5-73."

228 **SECTION 26.**

229 Said chapter is further amended by repealing and reserving Code Section 20-2-501, relating  
 230 to the prohibition of contracts or purchases over \$100.00 which are not in compliance with  
 231 rules and regulations.

232 **SECTION 27.**

233 Said chapter is further amended by repealing and reserving Code Section 20-2-502, relating  
 234 to disciplining measures for violations of Code Section 20-2-501.

235 **SECTION 28.**

236 Said chapter is further amended by repealing and reserving Code Section 20-2-503, relating  
 237 to the authority of local boards of education to purchase educational information, literature,  
 238 and services.

239 **SECTION 29.**

240 Said chapter is further amended by repealing and reserving Article 15, relating to school  
 241 census.

242 **SECTION 30.**

243 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating  
 244 to requirements for private schools and home study programs, as follows:

245 "(c) Parents or guardians may teach their children at home in a home study program which  
 246 meets the following requirements:



- 247 (1) The parent, parents, or guardian must submit within 30 days after the establishment  
248 of a home study program and by September 1 annually thereafter a declaration of intent  
249 to utilize a home study program to the Department of Education, in accordance with  
250 department guidelines ~~superintendent of schools of the local school district in which the~~  
251 ~~home study program is located;~~
- 252 (2) The declaration shall include a list of the names and ages of the students who are  
253 enrolled in the home study program, the address where the home study program is  
254 located, and a statement of the 12 month period that is to be considered the school year  
255 for that home study program. Enrollment records and reports shall not be used for any  
256 purpose except providing necessary enrollment information, except with the permission  
257 of the parent or guardian of a child, pursuant to the subpoena of a court of competent  
258 jurisdiction, or for verification of attendance by the Department of Public Safety for the  
259 purposes set forth in subsection (a.1) of Code Section 40-5-22;
- 260 (3) Parents or guardians may teach only their own children in the home study program,  
261 provided the teaching parent or guardian possesses at least a high school diploma or a  
262 general educational development diploma, but the parents or guardians may employ a  
263 tutor who holds a high school diploma or a general educational development diploma to  
264 teach such children;
- 265 (4) The home study program shall provide a basic academic educational program which  
266 includes, but is not limited to, reading, language arts, mathematics, social studies, and  
267 science;
- 268 (5) The home study program must provide instruction each 12 months to home study  
269 students equivalent to 180 school days of education with each school day consisting of  
270 at least four and one-half school hours unless the child is physically unable to comply  
271 with the rule provided for in this paragraph;
- 272 (6) Attendance records for the home study program shall be kept and shall be submitted  
273 to the Department of Education, in accordance with department guidelines ~~at the end of~~  
274 ~~each month to the school superintendent of the local school district in which the home~~  
275 ~~study program is located.~~ Attendance records and reports shall not be used for any  
276 purpose except providing necessary attendance information, except with the permission  
277 of the parent or guardian of a child, pursuant to the subpoena of a court of competent  
278 jurisdiction, or for verification of attendance by the Department of Public Safety for the  
279 purposes set forth in subsection (a.1) of Code Section 40-5-22;
- 280 (7) Students in home study programs shall be subject to an appropriate nationally  
281 standardized testing program administered in consultation with a person trained in the  
282 administration and interpretation of norm reference tests to evaluate their educational  
283 progress at least every three years beginning at the end of the third grade and records of

284 such tests and scores shall be retained but shall not be required to be submitted to public  
 285 educational authorities; and  
 286 (8) The home study program instructor shall write an annual progress assessment report  
 287 which shall include the instructor's individualized assessment of the student's academic  
 288 progress in each of the subject areas specified in paragraph (4) of this subsection, and  
 289 such progress reports shall be retained by the parent, parents, or guardian of children in  
 290 the home study program for a period of at least three years."

291 **SECTION 31.**

292 Said chapter is further amended by revising subsection (d) of Code Section 20-2-690.1,  
 293 relating to mandatory education for children between ages six and 16, as follows:

294 "(d) Local school superintendents in the case of private schools, the Department of  
 295 Education in the case of or home study programs, and visiting teachers and attendance  
 296 officers in the case of public schools shall have authority and it shall be their duty to file  
 297 proceedings in court to enforce this subpart."

298 **SECTION 32.**

299 Said chapter is further amended by revising Code Section 20-2-694, relating to  
 300 administration and enforcement of compulsory attendance laws, as follows:

301 "20-2-694.

302 It shall be the duty of each county and independent school system board of education, ~~and~~  
 303 each local school superintendent within the state, and the Department of Education to  
 304 administer this subpart and to secure its enforcement in cooperation with the other state and  
 305 county agencies and in cooperation with the administrators of private schools and parents  
 306 or guardians providing a home study program."

307 **SECTION 33.**

308 Said chapter is further amended by revising subsection (a) of Code Section 20-2-701, relating  
 309 to local school superintendents or visiting teachers and attendance officers to report truants  
 310 to juvenile or other courts, as follows:

311 "(a) Local school superintendents as applied to private schools, the Department of  
 312 Education as applied to ~~and~~ home study programs, or visiting teachers and attendance  
 313 officers as applied to public schools, after written notice to the parent or guardian of a  
 314 child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of  
 315 Title 15 any child who is absent from a public or private school or a home study program  
 316 in violation of this subpart. If the judge of the court places such child in a home or in a

317 public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for  
318 such child."

319 **SECTION 34.**

320 Said chapter is further amended by repealing Code Section 20-2-741, relating to local boards  
321 of education sending copies of student codes of conduct to the Department of Education.

322 **SECTION 35.**

323 Said chapter is further amended by repealing and reserving Code Section 20-2-771.1, relating  
324 to voluntary preenrollment of children.

325 **SECTION 36.**

326 Said chapter is further amended by repealing and reserving Code Section 20-2-960, relating  
327 to requiring bonds of principals.

328 **SECTION 37.**

329 Said chapter is further amended in Code Section 20-2-984, relating to the authority of the  
330 Professional Standards Commission, by repealing and reserving subsection (e), relating to  
331 demonstration plans under Code Section 20-2-251.

332 **SECTION 38.**

333 Said chapter is further amended by repealing and reserving Article 20, the "Education  
334 Partnership Act of 1990."

335 **SECTION 39.**

336 Said chapter is further amended by repealing and reserving Code Section 20-2-1183, relating  
337 to possession of electronic communication devices in school.

338 **SECTION 40.**

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