

Senate Bill 42

By: Senators Seay of the 34th, Fort of the 39th, Tate of the 38th, Harbison of the 15th, Lucas of the 26th 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 require that the Quality Basic
3 Education Formula is fully funded by the General Assembly; to state legislative intent that
4 past austerity costs are restored; to revise provisions for purposes of conformity; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
9 "Quality Basic Education Act," is amended in Code Section 20-2-161, relating to the Quality
10 Basic Education Formula, by revising subsection (a) and adding a new subsection as follows:

11 "(a) The high school general education program is declared to be the base program against
12 which the cost of all other instructional programs shall be compared. The amount of funds
13 needed by each full-time equivalent student in the base program, in order that such program
14 can be sufficiently funded to provide quality basic education to all enrolled students, shall
15 be known as the 'base amount' and shall reflect program components which constitute the
16 program weight for the high school general education program in Code Sections 20-2-182
17 through 20-2-186. ~~However, the~~ The General Assembly shall annually establish through
18 the General Appropriations Act the base amount to be used each year. ~~In the event that the~~
19 The base amount so established when multiplied by the program weights in subsection (b)
20 of this Code section ~~requires funds in excess of the appropriation for the Quality Basic~~
21 ~~Education Formula grants, the~~ shall be the amount of funds which are appropriated for the
22 Quality Basic Education Formula ~~by the General Assembly shall be prorated to each of the~~
23 ~~Quality Basic Education Formula cost categories."~~

24 "(g) It is the intent of the General Assembly that all of the austerity cuts made to local
25 school systems since 2002 are fully restored in the General Appropriations Act for Fiscal
26 Year 2014."

27 **SECTION 2.**

28 Said article is further amended by revising Code Section 20-2-156, relating to the program
29 for limited-English-proficient students, as follows:

30 "20-2-156.

31 The State Board of Education shall create a program for limited-English-proficient students
32 whose native language is not English, ~~subject to appropriation by the General Assembly.~~

33 The purpose of this program is to assist such students to develop proficiency in the English
34 language, including listening, speaking, reading, and writing, sufficient to perform
35 effectively at the currently assigned grade level. The state board shall prescribe such rules
36 and regulations regarding eligibility criteria and standards as may be needed to carry out
37 the provisions of this Code section. This program may also be referred to as the English for
38 speakers of other languages (ESOL) program."

39 **SECTION 3.**

40 Said article is further amended by revising subsections (a), (b), (g), and (h) of Code Section
41 20-2-182, relating to program weights to reflect funds for payment of salaries and benefits,
42 as follows:

43 "(a) The program weights, when multiplied by the base amount, shall reflect sufficient
44 funds to pay at least the beginning salaries of all teachers needed to provide essential
45 classroom instruction in order to ensure a Quality Basic Education Program for all enrolled
46 students, ~~subject to appropriation by the General Assembly.~~

47 (b) The program weights for the primary, primary grades early intervention, upper
48 elementary, upper elementary grades early intervention, middle grades, and middle school
49 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least
50 the beginning salaries of specialists qualified to teach art, music, foreign language, and
51 physical education, ~~subject to appropriation by the General Assembly."~~

52 "(g) All program weights, when multiplied by the base amount, shall reflect sufficient
53 funds to pay the cost of sick and personal leave for teachers, the employer's portion of costs
54 for membership in the Teachers Retirement System of Georgia and health insurance
55 programs authorized by law, the cost of essential instructional materials and equipment
56 needed to operate effectively such instructional programs, and the cost of travel required
57 of personnel in order to deliver educational services to enrolled students, ~~subject to
58 appropriation by the General Assembly.~~

59 (h) All program weights, when multiplied by the base amount, shall reflect, whenever they
60 are revised pursuant to subsection (f) of Code Section 20-2-161, an amount of funds for the
61 purpose of providing staff and professional development to certificated and classified
62 personnel and local school board members which shall be at least equivalent to 1.0 percent

63 of salaries of all certificated professional personnel used in the development of each
 64 respective program weight, ~~subject to appropriation by the General Assembly.~~ Beginning
 65 in Fiscal Year 2014, such amount shall include funding for school level administrators in
 66 the same manner as for other certificated professional personnel. Beginning in Fiscal Year
 67 2015, such amount shall be at least equivalent to 0.9 percent of salaries of all certificated
 68 professional personnel, including school level administrators, used in the development of
 69 each respective program weight, ~~subject to appropriation by the General Assembly.~~ Funds
 70 used for professional or staff development purposes may be used throughout the fiscal year,
 71 including days when students are not present at school, to meet professional or staff
 72 development needs in the order of priority determined by the local board of education
 73 within the comprehensive professional and staff development program plan approved by
 74 the State Board of Education pursuant to Code Section 20-2-232. Such professional and
 75 staff development program plan shall address deficiencies of certificated personnel as
 76 identified by evaluations required under Code Section 20-2-210. Further, professional and
 77 staff development funds shall be used for activities that enhance the skills of certificated
 78 personnel and directly relate to student achievement, as reflected in the revised certification
 79 renewal rules established by the Professional Standards Commission pursuant to paragraph
 80 (4.1) of subsection (b) of Code Section 20-2-200 regarding the impact of professional
 81 learning on student achievement. Subsequent certificated personnel evaluations shall
 82 include an assessment of an employee's professional and staff development activities and
 83 their effect on identified deficiencies and student achievement. Funds for professional
 84 development purposes may be used for activities occurring at any time during the fiscal
 85 year outside of an employee's normal contract hours."

86 **SECTION 4.**

87 Said article is further amended by revising Code Section 20-2-183, relating to program
 88 weights to reflect funds for maintenance and operation of facilities, as follows:

89 "20-2-183.

90 All program weights, when multiplied by the base amount, shall reflect sufficient funds to
 91 provide for the maintenance and operation of facilities essential for housing instructional
 92 programs and essential supportive educational services, ~~subject to appropriation by the~~
 93 ~~General Assembly.~~"

94 **SECTION 5.**

95 Said article is further amended by revising Code Section 20-2-184, relating to program
 96 weights to reflect funds for media specialists, as follows:

97 "20-2-184.

98 All program weights, when multiplied by the base amount, shall reflect sufficient funds to
 99 pay the beginning salary for at least one media specialist for an appropriate base size school
 100 pursuant to Code Section 20-2-181 and to provide media center materials and equipment,
 101 including computer hardware and software, as essential to support instructional programs
 102 authorized under Part 3 of this article, ~~subject to appropriation by the General Assembly."~~

103 **SECTION 6.**

104 Said article is further amended by revising Code Section 20-2-185, relating to program
 105 weights to reflect funds for salaries for assistant principals, as follows:

106 "20-2-185.

107 All program weights, when multiplied by the base amount, shall reflect sufficient funds to
 108 pay the beginning salaries of assistant principals as well as the salaries of secretaries
 109 essential for the efficient and effective management of the instructional and supportive
 110 educational programs of an appropriate base size school pursuant to Code Section 20-2-181
 111 and to provide for the costs of operating an administrative office in the school, ~~subject to
 112 appropriation by the General Assembly."~~

113 **SECTION 7.**

114 Said article is further amended by revising Code Section 20-2-186, relating to allocation of
 115 funds for local systems to pay beginning salaries of superintendents, secretaries, accountants,
 116 nurses, and certain other personnel, as follows:

117 "20-2-186.

118 (a) Funds provided under this article shall include the following for local systems to pay,
 119 on a 12 month basis, the beginning salaries of superintendents, assistant superintendents,
 120 and principals and the salaries of secretaries, accountants, and nurses, ~~subject to
 121 appropriation by the General Assembly:~~

122 (1) Each local system shall earn, for any number of full-time equivalent students equal
 123 to or under 5,000, funds sufficient to pay the beginning salaries of a superintendent and
 124 two assistant superintendents and the salaries of a secretary and an accountant; and

125 (2) For numbers of full-time equivalent students over 5,000 and less than 10,001, funds
 126 sufficient to pay the beginning salaries of a superintendent and four assistant
 127 superintendents and the salaries of a secretary and an accountant; and

128 (3) For numbers of full-time equivalent students over 10,000, funds sufficient to pay the
 129 beginning salaries of a superintendent and eight assistant superintendents and the salaries
 130 of a secretary and an accountant; and

131 (4) Each local system shall earn funds for the 2000-2001 school year sufficient to pay
132 the beginning salary of a principal for each school in the local school system with a
133 principal of record for the preceding year. Thereafter, each local school system shall earn
134 funds sufficient to pay the beginning salary of a principal for each school in the local
135 school system that reported a principal on the October certified personnel information
136 report; provided, however, that any school which operates as a combination school,
137 which is defined as any of the elementary grades, kindergarten through grade five,
138 contiguous with one or more of the middle grades, grades six through eight; or as a
139 combination school of any of the middle grades, grades six through eight, contiguous
140 with one or more of the elementary grades or contiguous with one or more of the high
141 school grades, grades nine through 12; or as a combination school of any of the high
142 school grades, contiguous with one or more of the middle grades, shall earn funds
143 sufficient to pay the beginning salary of a principal for each of the elementary, middle,
144 or high school combinations. Beginning with the 2001-2002 school year, funds cannot
145 be earned for more than one principal's salary for schools on the same campus sharing
146 facilities unless the schools operate as a combination school as defined in this paragraph
147 with separate facility codes issued by the Department of Education. A local school
148 system shall earn funds in the midterm adjustment sufficient to pay the beginning salary
149 of a principal for a new school, if not otherwise earning the funds, when the school has
150 reported full-time equivalent program counts in the October count, has an approved new
151 school facility code issued by the department, and has reported a principal on the October
152 certified personnel information report under the new facility code. It is further provided
153 that funds for the salary of a principal shall not be earned under this paragraph for an
154 evening school or alternative school; and

155 (5) Each local system shall earn funding for one nurse for every 750 full-time equivalent
156 students at the elementary school level and one nurse for every 1,500 full-time equivalent
157 students at the middle and high school levels. Such funding shall have a ratio of one
158 registered professional nurse to five licensed practical nurses. Such funding shall be
159 based on a contract length of 180 days and shall be sufficient to pay 50 percent of the
160 average salary and benefits, as determined by the Department of Education, for a
161 registered professional nurse or for a licensed practical nurse; provided, however, that
162 such amount shall be phased in so that, in Fiscal Year 2013, such amount shall be 40
163 percent and, in Fiscal Year 2014, such amount shall be 45 percent. Local school systems
164 shall not be required to provide any local matching funds for school nurses to receive
165 funds pursuant to this paragraph. Local school systems that do not meet the minimum
166 full-time equivalent student counts set out in this paragraph shall receive a base amount

167 of funding. Each local school system shall expend 100 percent of the funds earned
168 pursuant to this paragraph for salaries and benefits for school nurses.

169 (b) All program weights, when multiplied by the base amount, shall reflect sufficient funds
170 to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time
171 equivalent students and for costs of operating an administrative office for the local school
172 system and for workers' compensation and employment security payments for personnel
173 at the central office, school, and program levels, ~~subject to appropriation by the General
174 Assembly.~~ Further, the program weights for all special education programs pursuant to
175 Code Section 20-2-152, when multiplied by the base amount, shall reflect sufficient funds
176 to pay the beginning salaries of special education leadership personnel essential and
177 necessary for the effective operation of such programs in a base size local school system.
178 Further, the program weights for all programs, when multiplied by the base amount, shall
179 reflect sufficient funds to pay the beginning salaries of school psychologists and
180 psychometrists essential and necessary for the effective operation of such programs in a
181 local school system using a base size of 2,475 full-time equivalent students, ~~subject to
182 appropriation by the General Assembly.~~

183 (c) Notwithstanding any provision of this Code section to the contrary, no local system
184 shall earn funds under this Code section, except for funds for nurses, accountants, visiting
185 teachers, school psychologists, and secretaries, if the local board of education has not
186 implemented in a failing school within the system the interventions, as defined in Code
187 Section 20-14-41, that are prescribed by the State Board of Education."

188 **SECTION 8.**

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