

Senate Bill 12

By: Senators Seay of the 34<sup>th</sup>, Henson of the 41<sup>st</sup>, Tate of the 38<sup>th</sup>, Thompson of the 5<sup>th</sup>, Butler of the 55<sup>th</sup> 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 the full funding of the Quality  
3 Basic Education Formula by the General Assembly; to state legislative intent that past  
4 austerity costs are restored; to revise provisions for purposes of conformity; to provide for  
5 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 2016."

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, which shall  
 56 include, but not be limited to, textbooks and technology, and equipment needed to operate  
 57 effectively such instructional programs, and the cost of travel required of personnel in order  
 58 to deliver educational services to enrolled students, ~~subject to appropriation by the General  
 59 Assembly.~~

60 (h) All program weights, when multiplied by the base amount, shall reflect, whenever they  
 61 are revised pursuant to subsection (f) of Code Section 20-2-161, an amount of funds for the  
 62 purpose of providing staff and professional development to certificated and classified

63 personnel and local school board members which shall be at least equivalent to 1.0 percent  
 64 of salaries of all certificated professional personnel used in the development of each  
 65 respective program weight, ~~subject to appropriation by the General Assembly~~. Beginning  
 66 in Fiscal Year 2014, such amount shall include funding for school level administrators in  
 67 the same manner as for other certificated professional personnel. Beginning in Fiscal Year  
 68 2015, such amount shall be at least equivalent to 0.9 percent of salaries of all certificated  
 69 professional personnel, including school level administrators, used in the development of  
 70 each respective program weight, ~~subject to appropriation by the General Assembly~~. Funds  
 71 used for professional or staff development purposes may be used throughout the fiscal year,  
 72 including days when students are not present at school, to meet professional or staff  
 73 development needs in the order of priority determined by the local board of education  
 74 within the comprehensive professional and staff development program plan approved by  
 75 the State Board of Education pursuant to Code Section 20-2-232. Such professional and  
 76 staff development program plan shall address deficiencies of certificated personnel as  
 77 identified by evaluations required under Code Section 20-2-210. Further, professional and  
 78 staff development funds shall be used for activities that enhance the skills of certificated  
 79 personnel and directly relate to student achievement, as reflected in the revised certification  
 80 renewal rules established by the Professional Standards Commission pursuant to paragraph  
 81 (4.1) of subsection (b) of Code Section 20-2-200 regarding the impact of professional  
 82 learning on student achievement. Subsequent certificated personnel evaluations shall  
 83 include an assessment of an employee's professional and staff development activities and  
 84 their effect on identified deficiencies and student achievement. Funds for professional  
 85 development purposes may be used for activities occurring at any time during the fiscal  
 86 year outside of an employee's normal contract hours."

87 **SECTION 4.**

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

90 "20-2-183.

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

95 **SECTION 5.**

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

98 "20-2-184.

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

104 **SECTION 6.**

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

107 "20-2-185.

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

114 **SECTION 7.**

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

118 "20-2-186.

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

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

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

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

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

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

169 full-time equivalent student counts set out in this paragraph shall receive a base amount  
170 of funding. Each local school system shall expend 100 percent of the funds earned  
171 pursuant to this paragraph for salaries and benefits for school nurses.

172 (b) All program weights, when multiplied by the base amount, shall reflect sufficient funds  
173 to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time  
174 equivalent students, for costs of operating an administrative office for certain local school  
175 systems as deemed warranted by the department, and for workers' compensation and  
176 employment security payments for personnel at the central office, school, and program  
177 levels, ~~subject to appropriation by the General Assembly~~. Further, the program weights for  
178 all special education programs pursuant to Code Section 20-2-152, when multiplied by the  
179 base amount, shall reflect sufficient funds to pay the beginning salaries of special education  
180 leadership personnel essential and necessary for the effective operation of such programs  
181 in a base size local school system. Further, the program weights for all programs, when  
182 multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries  
183 of school psychologists and psychometrists essential and necessary for the effective  
184 operation of such programs in a local school system using a base size of 2,475 full-time  
185 equivalent students, ~~subject to appropriation by the General Assembly~~; provided, however,  
186 that beginning with Fiscal Year 2016, such base size shall be 2,420 full-time equivalent  
187 students.

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

193 **SECTION 8.**

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