

Senate Bill 12

By: Senators Seay of the 34th, Henson of the 41st, Tate of the 38th, Thompson of the 5th, Butler of the 55th 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.