

The House Committee on Higher Education offers the following substitute to HB 736:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to grants for educational programs, so as to establish a teacher  
3 recruitment and retention program for a refundable income tax credit for teachers who agree  
4 to teach in certain rural schools or turnaround eligible schools; to provide for definitions; to  
5 provide for requirements for participation; to provide for participation on an annual basis for  
6 up to five consecutive school years subject to certain conditions; to provide for annual  
7 reports; to provide an expiration date for new applications; to amend Article 2 of Chapter 7  
8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate,  
9 computation, and exemptions from state income taxes, so as to provide for a refundable  
10 income tax credit for taxpayers who are participating teachers in said teacher recruitment and  
11 retention program; to provide for related matters; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
16 relating to grants for educational programs, is amended by revising Code Section 20-2-251,  
17 which is reserved, as follows:

18 "20-2-251.

19 (a) As used in this Code section, the term:

20 (1) 'Department' means the Department of Education.

21 (2) 'Participating local school system' means a local school system that participates in the  
22 program by receiving grant money from the state and disbursing it to participating  
23 teachers.

24 (3) 'Participating school' means a qualifying public school that has been selected by the  
25 department to participate in the program and where a participating teacher is employed  
26 pursuant to a school year contract.

- 27 (4) 'Participating teacher' means a teacher, as defined in subsection (a) of Code Section  
28 20-2-942, who is eligible to participate and does participate in the program.
- 29 (5) 'Postsecondary educational institution' means a school which is:
- 30 (A) A unit of the University System of Georgia, including any college or university  
31 under the government, control, and management of the Board of Regents of the  
32 University System of Georgia; or
- 33 (B) An independent or private college or university located in Georgia and eligible to  
34 be deemed an approved school as defined in paragraph (2) of Code Section 20-3-411.
- 35 (6) 'Program' means the teacher recruitment and retention program provided for in this  
36 Code section.
- 37 (7) 'Qualifying public school' means a public school that is located in a rural territory in  
38 this state or that qualifies as a turnaround eligible school as defined in subsection (a) of  
39 Code Section 20-14-45.
- 40 (8) 'Recently hired' means a teacher, whether a new or experienced teacher, who has  
41 accepted his or her first school year contract to teach at a qualifying public school for the  
42 2020-2021 school year, for the current school year, or for the immediately upcoming  
43 school year.
- 44 (9) 'Rural territory' means territory that is more than five miles from the nearest  
45 'urbanized area' and more than two and one-half miles from the nearest 'urban cluster' as  
46 such terms are defined in OMB Standards for Defining Metropolitan and Micropolitan  
47 Statistical Areas, 65 Fed. Reg. 82238.
- 48 (10) 'School year contract' means a contract of full-time employment between a teacher  
49 and a local board of education covering a full school year. A contract of employment for  
50 a portion of a school year shall not be counted as a school year contract, nor shall  
51 contracts of employment for portions of a school year be cumulated and treated as a  
52 school year contract. A contract of employment for any time outside a school year shall  
53 not be counted as a school year contract, nor shall contracts of employment for time  
54 outside a school year be cumulated and treated as a school year contract. A school year  
55 contract is deemed included within a contract of full-time employment between a teacher  
56 and a local board of education covering a full calendar or fiscal year.
- 57 (11) 'State board' means the State Board of Education.
- 58 (b) The state board shall establish a teacher recruitment and retention program. The  
59 purpose of such program shall be to encourage both new and experienced teachers to seek  
60 employment with rural or turnaround eligible schools by providing for a refundable tax  
61 credit as provided for in Code Section 48-7-29.23 to each participating teacher in the  
62 amount of \$3,000.00 per school year for no more than five consecutive school years,  
63 subject to conditions as provided for in this Code section. The state board is authorized to

64 promulgate rules, regulations, policies, and procedures appropriate and necessary to  
 65 implement and administer this program.

66 (c)(1) By October 1 of each year, the department shall determine which public schools  
 67 in this state are qualifying public schools and shall publish a list of all qualifying public  
 68 schools on the department's website. The department shall develop criteria for the  
 69 selection of no more than 100 participating schools from the total number of qualifying  
 70 public schools and shall publish such selection criteria simultaneously with the  
 71 publication of the list of qualifying public schools on the department's website.

72 (2) By December 1 of each year, the department shall select no more than 100  
 73 participating schools and shall publish a list of all participating schools on the  
 74 department's website. The department shall determine the total number of participating  
 75 teachers authorized for each participating school.

76 (3) The department shall receive applications from teachers who meet the eligibility  
 77 criteria provided for in subsection (e) of this Code section and shall be authorized to share  
 78 with participating local school systems and participating schools such applications and  
 79 related materials submitted by teachers.

80 (4) The department is authorized to provide guidance and technical assistance to  
 81 teachers, participating schools, and local school systems with participating schools  
 82 regarding the program.

83 (d) The Office of Student Achievement, in consultation with the department, shall  
 84 establish program objectives and shall annually measure and evaluate the program.  
 85 Beginning with the 2022-2023 school year, by December 1 of each year, the Office of  
 86 Student Achievement shall provide to the Governor, to each chamber of the General  
 87 Assembly, and to the state board a report covering the immediately preceding school year  
 88 and including, at a minimum, the following information:

89 (1) The positions filled by participating teachers with corresponding information  
 90 regarding the subject matter and grade or grades taught; and

91 (2) The length of time participating teachers have been participating in the program.

92 (e)(1) In order to be eligible to participate in the program, a teacher shall:

93 (A) Have been recently hired to teach at a participating school;

94 (B) Have attained a bachelor's degree in education from a postsecondary educational  
 95 institution with a teacher certification program approved by the Georgia Professional  
 96 Standards Commission; and

97 (C) Hold a valid five-year induction or professional certificate issued by the Georgia  
 98 Professional Standards Commission.

99 (2) Teachers who meet the eligibility criteria provided for in paragraph (1) of this  
 100 subsection and who wish to participate in the program shall submit to the department a

101 completed application to participate in the program, on a form and in a manner prescribed  
 102 by the department. Each application shall, at a minimum, include:

103 (A) A copy of the teacher's school year contract with a participating school or  
 104 participating local school system; and

105 (B) Written verification from the principal or other school personnel of the  
 106 participating school that the teacher was recently hired.

107 (3)(A) Eligible teachers who complete the application process prescribed by the  
 108 department shall be accepted to participate in the program on annual basis, subject to  
 109 continuation of the program and the provisions of subsection (g) of this Code section  
 110 and except for good cause shown by the department.

111 (B) A teacher who is accepted by the department to participate in the program shall be  
 112 allowed to continue as a participating teacher in the program on an annual basis for up  
 113 to five consecutive school years, provided that he or she remains a teacher at the same  
 114 school continuously, regardless of whether the school remains a participating or  
 115 qualifying public school, and subject to continuation of the program and the provisions  
 116 of subsection (g) of this Code section and except for good cause shown by the  
 117 department.

118 (C) A participating teacher who is involuntarily transferred to another school within  
 119 the same participating local school system shall be eligible to continue participating in  
 120 the program on the same terms and conditions as provided in subparagraph (B) of this  
 121 paragraph. A participating teacher who voluntarily transfers to another school shall not  
 122 be eligible to continue participating in the program effective immediately upon the  
 123 transfer.

124 (D) A participating teacher who receives an annual summative performance evaluation  
 125 rating of 'Ineffective,' as provided for in Code Section 20-2-210, shall be permanently  
 126 ineligible to participate in the program upon the conclusion of the school year in which  
 127 he or she received such rating.

128 (f) By July 31 of each year, the department shall notify the state revenue commissioner of  
 129 each participating teacher who has satisfied all terms and conditions of the program for the  
 130 immediately preceding school year.

131 (g) The number of participating teachers in the program in any school year shall be limited  
 132 to 1,000 participating teachers state wide. In the discretion of the department, participation  
 133 in the program may be determined according to the following order of priority:

134 (1) Participating teachers shall be prioritized over teachers not yet participating in the  
 135 program; and

136 (2) Among teachers participating in the program, those with greater seniority in the  
 137 program shall be prioritized over those with less seniority.

138 (h) No new applications for the program shall be accepted after December 31, 2030.

139 Reserved."

140 **SECTION 2.**

141 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to  
142 imposition, rate, computation, and exemptions from income taxes, is amended by adding a  
143 new Code section to read as follows:

144 "48-7-29.23.

145 (a) A taxpayer who is designated by the Department of Education as a participating teacher  
146 in the teacher recruitment and retention program provided for in Code Section 20-2-251  
147 shall be allowed a credit against the tax imposed by Code Section 48-7-20 in an amount  
148 equal to \$3,000.00.

149 (b) If the total amount of the tax credit provided for in this Code section exceeds the  
150 taxpayer's income tax liability for a taxable year, such excess amount shall be refunded to  
151 the taxpayer.

152 (c) The commissioner shall be authorized to promulgate any rules and regulations  
153 necessary to implement and administer the provisions of this Code section."

154 **SECTION 3.**

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