

Senate Bill 209

By: Senators Jones of the 10th, Jackson of the 41st, Davenport of the 44th, Harrell of the 40th, Anderson of the 43rd and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to create and establish in DeKalb County, Georgia, districts from which  
2 the members of the County Board of Education of DeKalb County shall be elected, approved  
3 April 12, 1963 (Ga. L. 1963, p. 3424), as amended, so as to provide that the boundaries of  
4 the City of Atlanta independent school systems are not extended by annexation unless  
5 expressly approved in a separate local law or intergovernmental agreement; to provide for  
6 transfer of students; to provide for ownership of property and buildings; to provide for  
7 binding arbitration; to provide for no change in school system boundaries under certain  
8 circumstances; to provide for intergovernmental agreements; to provide for related matters;  
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act to create and establish in DeKalb County, Georgia, districts from which the members  
13 of the County Board of Education of DeKalb County shall be elected, approved  
14 April 12, 1963 (Ga. L. 1963, p. 3424), as amended, is amended by adding a new section to  
15 read as follows:

S. B. 209

- 1 -

## "SECTION 3.2.

(a) When the corporate limits of the City of Atlanta are extended by annexation into the boundaries of the DeKalb County school district, regardless of the method of annexation, the boundaries of the City of Atlanta independent school system operating in said municipality shall not be extended to be coextensive therewith except as authorized by this section.

(b) The boundaries of the City of Atlanta independent school system shall only be extended with the adoption of a local Act of the General Assembly following the annexation or with the adoption of an intergovernmental agreement between the DeKalb County school district and the City of Atlanta independent school system approving such changes. Such extension of the boundaries of the City of Atlanta independent school system shall become effective on the first day of July of the year following the effective date of the local Act or the agreement. The General Assembly may include such other conditions in such local Act as it deems necessary.

(c)(1) No student who as a result of an annexation becomes a resident of the City of Atlanta independent school system pursuant to this subsection shall be required to change school systems during a school year. All students in such an annexed area shall be permitted to complete the current school year in the school they currently attend unless they otherwise become ineligible to attend such school. The local and state share of school funding shall remain with the local school system in which the student attends school. If local school system properties are transferred from the DeKalb County school system to the City of Atlanta independent school system as a result of such an annexation, enrolled students who would be required to change schools may continue in their current schools under the same conditions described herein.

(2) Any student who becomes a resident of such independent school system pursuant to an annexation may remain in the DeKalb County school system if he or she is a rising or current fourth, fifth, eighth, eleventh, or twelfth grader and would otherwise be eligible.

43 Such students may remain until the completion of their fifth, eighth, eleventh, or twelfth  
44 grade year but in no case for more than one school year; provided, however, that a student  
45 completing his or her eleventh grade year may elect to remain until the completion of one  
46 additional school year.

47 (3) The DeKalb County school system shall receive the local funding portion for each  
48 student who elects to remain in the DeKalb County school system pursuant to this  
49 subsection. The State Board of Education shall calculate the amount for each such  
50 student and shall deduct the local funding portion from the City of Atlanta independent  
51 school system's allotment and shall reallocate such amount to the DeKalb County school  
52 system. For purposes of this paragraph, the term 'local funding portion' means the  
53 amount of local funds from local property taxes and any other local source that would  
54 have been earned or levied on behalf of the student by such independent school system  
55 if he or she did not choose to remain in the DeKalb County school system; provided,  
56 however, that local transportation costs shall not be included in this amount.

57 (4) All state funding shall go to the local school system in which a student is enrolled.

58 (d)(1) At the request of the DeKalb County school system, the City of Atlanta  
59 independent school system shall take ownership of any of the buildings or property  
60 owned by the DeKalb County school district that are within an annexed area that is  
61 included within the boundaries of the City of Atlanta independent school system pursuant  
62 to this section. The DeKalb County school system must declare its intent to sell any  
63 building or property within the annexed area within 90 days of a local Act or  
64 intergovernmental agreement regarding a boundary change. The two school systems  
65 shall negotiate for a period not to exceed 90 days regarding compensation for and terms  
66 of transfer of such buildings or property. If the two school systems are unable to agree  
67 on compensation or terms of transfer, the chief judge of the Superior Court of DeKalb  
68 County in which such buildings or property are located shall appoint a special master to  
69 conduct binding arbitration regarding such compensation or terms of transfer.

70 (2) The special master shall base any decision regarding compensation on the following  
71 factors:

72 (A) The actual capital investment in the buildings or property made by the DeKalb  
73 County school system;

74 (B) The market value of such buildings or property;

75 (C) A proportionality ratio reflecting the value of contributions by residents in the  
76 annexed area; and

77 (D) A compensatory factor reflecting the number of students displaced and the amount  
78 necessary to construct a replacement facility, inclusive of land costs.

79 (3) The special master may delay the transfer of buildings or property for a time  
80 sufficient to allow the DeKalb County school district to make appropriate arrangements  
81 and to secure or construct a replacement facility if necessary, and may issue such other  
82 rulings as the circumstances may necessitate.

83 (e) Nothing in this section shall prevent the DeKalb County school system and such  
84 independent school system from entering into an intergovernmental agreement regarding  
85 the operation or ownership of buildings or properties in an annexed area or for attendance  
86 of students outside of the school system in which they reside.

87 (f) Notwithstanding anything in this section to the contrary, if the number of students in  
88 the annexed area who are enrolled in the DeKalb County school system does not exceed 2  
89 percent of the total number of students enrolled in the entire DeKalb County school system,  
90 no change in local school system boundaries shall be permitted; provided, however, that  
91 nothing in this subsection shall prevent the DeKalb County school system and such  
92 independent school system from entering into an agreement regarding school governance."

93 **SECTION 2.**

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