

Senate Bill 293

By: Senators Parent of the 42nd, Jones of the 10th, Butler of the 55th, Jackson of the 41st, Davenport of the 44th 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 conditions upon the
4 expansion of the boundaries of the City of Decatur independent school systems that are
5 extended by annexation by the City of Decatur; to provide constitutional authority and
6 legislative purpose; to provide for definitions; to provide for disbursement of funds; to
7 provide of the sharing of services and revenues between the DeKalb County school system
8 and the City Schools of Decatur; to provide for contingent repeal of provisions; to provide
9 for transfer of students; to provide for ownership of buildings, facilities, and property; to
10 provide for binding arbitration; to provide for intergovernmental agreements; to provide for
11 to a Student Service Cooperation Committee; to provide for regular assessments and
12 reporting; to provide for credits in the event of overpayment; to provide contingent
13 provisions if sections are invalidated; to provide for related matters; to repeal conflicting
14 laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16

SECTION 1.

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

21

"SECTION 3.1.

22 (a)(1) This section is enacted pursuant to the authority of Article VIII, Section V,
23 Paragraph V, subparagraph (b) of the Constitution of the State of Georgia to provide for
24 the provision of services by the DeKalb County school system, including access by City
25 of Decatur Schools' students to DeKalb County schools and facilities, and the sharing of
26 facilities or services by and between these local boards of education under such joint
27 administrative authority as may be agreed upon by said boards of education as authorized
28 by law.

29 (2) The General Assembly finds that improving equity in education funding across
30 DeKalb County and encouraging cooperation between the DeKalb County school system
31 and the City Schools of Decatur so as to provide the best possible educational services
32 are matters of important public policy. The General Assembly further finds that ensuring
33 that annexations by the City of Decatur of DeKalb County property do not threaten the
34 education of the students of either the DeKalb County school system or the City Schools
35 of Decatur is a matter of public policy.

36 (b) On or after July 1, 2021, when the corporate limits of the City of Decatur are extended
37 by annexation into the boundaries of the DeKalb County school system, regardless of the
38 method of annexation, the boundaries of the City Schools of Decatur, shall be extended to
39 be coextensive with the City of Decatur where the City of Decatur and the City Schools of
40 Decatur so agree, subject to the provisions of this section.

41 (c)(1) As used in this subsection the term:

42 (A) 'Annexation pool student' means any student residing within the DeKalb-Decatur
43 schools annexation pool area who will attend a City Schools of Decatur school at the
44 beginning of the applicable school year as result of an annexation of DeKalb County
45 property by the City of Decatur.

46 (B) 'City of Decatur school tax' means the ad valorem tax collected by the City of
47 Decatur for the 'school fund,' based on the millage set by the City Schools of Decatur,
48 as a result of an annexation occurring after July 1, 2021. Such term does not include
49 any portion of the 'bond fund' collected by the City of Decatur to support general
50 obligation bonds.

51 (C) 'Commercial' means any parcel that is zoned exclusively for any commercial use
52 or utilized exclusively for such purpose.

53 (D) 'DeKalb-Decatur schools annexation pool area' means all real property located in
54 territory annexed by the City of Decatur on or after July 1, 2021.

55 (E) 'Mixed use parcel' means any parcel that is zoned for both residential and
56 commercial use, and used for both purposes.

57 (F) 'Primary use' means the commercial or residential use of a mixed use parcel, as
58 defined by whether the majority of the square footage of buildings or facilities on the
59 tax parcel is utilized for commercial or residential purposes.

60 (G) 'Residential' means any single family or multi-family residential parcel that is
61 zoned exclusively for residential use or utilized exclusively for such purpose.

62 (2) The DeKalb County school system and the City Schools of Decatur shall, in
63 coordination with the applicable tax levying and tax collecting authorities, create and
64 maintain a list of all taxable real and personal property located within the
65 DeKalb-Decatur schools annexation pool area and identify the zoning classification of
66 each parcel of real property.

67 (3) All taxable real and personal property within the DeKalb-Decatur schools annexation
68 pool area shall be subject to appraisal, assessment, levy, and taxation in the same manner
69 as all other property in the City of Decatur.

70 (4) All ad valorem taxes for educational purposes collected on taxable property in the
71 DeKalb-Decatur schools annexation pool area shall be remitted by the lawful tax
72 collecting authority to the City Schools of Decatur. The City Schools of Decatur shall
73 then disburse to the DeKalb County school system an amount equal to all ad valorem
74 taxes for educational purposes collected on property zoned for commercial use or that
75 portion of a mixed use property where the primary use is commercial within the
76 DeKalb-Decatur schools annexation pool area. Such payments shall be made within
77 thirty days of the receipt of each tax payment by the City Schools of Decatur. In no event
78 shall the total tax payments to the DeKalb County school system be less than the
79 commercial tax component which includes the commercial component of mixed use
80 parcels. The tax revenue is paid to compensate the DeKalb County school system for its
81 continuing efforts to assist the City Schools of Decatur by providing access to valuable
82 services and benefits conferred by the DeKalb County school system, including its waiver
83 of objections to the City Schools of Decatur's ability to maintain coterminous boundaries
84 with the City of Decatur as long as the furtherance of that aspirational policy does not
85 decrease the tax base essential to the operation of the DeKalb County school system.

86 (5) At the beginning of each calendar year, or at such other time as the two systems may
87 establish by mutual intergovernmental agreement, the City Schools of Decatur shall
88 provide to the DeKalb County school system a list of mixed use parcels and the primary
89 use of each such mixed use parcel located within the Dekalb-Decatur schools annexation
90 pool area. The DeKalb County school system may, at any time, request data from the
91 City Schools of Decatur or the tax commissioner of DeKalb County supporting such
92 classification. In the event of any disputes regarding classification of mixed use parcels,
93 the definition of primary use contained in this section shall be determinative.

94 (6) Notwithstanding this section, or any other provision of local law, the two school
95 systems may, by mutual intergovernmental agreement, establish an alternative
96 distribution of tax revenues collected within the Dekalb-Decatur schools annexation pool
97 area.

98 (7) Paragraphs (2) through (6) of this subsection shall stand repealed on July 1, 2026, if:

99 (A) The City Schools of Decatur's allocation of the City of Decatur school tax does not
100 equal at least 75 percent of the local share costs of educating those students who enroll
101 due to annexations and cause the number of students enrolled in the City Schools of
102 Decatur to increase by 5 percent or more from the total enrollment prior to July 1, 2021;
103 or

104 (B) The DeKalb County school system's allocation of the City Schools of Decatur
105 school tax does not equal at least 50 percent of the taxes it would have received from
106 property annexed by the City of Decatur after July 1, 2021, if such property had
107 remained in unincorporated DeKalb County.

108 (d)(1) No student attending a school within the DeKalb County school system who as
109 a result of an annexation becomes a resident of the City of Decatur when the public
110 school system is administered by the City Schools of Decatur shall be required to change
111 school systems during a school year. All students in such an annexed area shall be
112 permitted to complete the current school year in the school they currently attend unless
113 they otherwise become ineligible to attend such school. The local, state, and federal
114 shares of school funding for those students shall remain with the DeKalb County school
115 system. If any school buildings owned by the DeKalb County school system are located
116 in the DeKalb-Decatur Schools annexation pool area, that is within the boundaries of the
117 City Schools of Decatur as a result of an annexation, enrolled students may continue in
118 their current schools administered by the DeKalb County school system during the school
119 year in which the annexation took place and for longer periods as set forth in
120 paragraph (2) of this subsection.

121 (2) Any student who becomes a resident of the City Schools of Decatur pursuant to an
122 annexation may remain in the DeKalb County school system if he or she is a rising or
123 current fifth, eighth, eleventh, or twelfth grader. Such students may remain until the
124 completion of their fifth, eighth, eleventh, or twelfth grade year but in no case for more
125 than one school year; provided, however, that a student completing his or her eleventh
126 grade year may elect to remain until the completion of one additional school year.

127 (3) The DeKalb County school system shall receive the local funding portion for each
128 student who elects to remain in the DeKalb County school system pursuant to this
129 subsection. The State Board of Education shall calculate the amount for each such
130 student and shall deduct the local funding portion from the City Schools of Decatur's
131 allotment and reallocate such amount to the DeKalb County school system. For purposes
132 of this paragraph, the term 'local funding portion' means the amount of local funds from
133 local property taxes and any other local source that would have been earned or levied on
134 behalf of the student by the City Schools of Decatur if the student did not choose to
135 remain in the DeKalb County school system. Local transportation costs shall not be
136 included in the calculation of this amount.

137 (e)(1) The DeKalb County school system may require that any buildings, facility, or
138 property of the Dekalb County school system in the area encompassed by any annexation
139 by the City of Decatur following the effective date of this Act and within the boundaries
140 of the City Schools of Decatur, be purchased by the City Schools of Decatur unless the
141 City Schools of Decatur excludes the buildings, facilities, or property of DeKalb County
142 school system annexed by the City of Decatur from its boundaries. In the event the
143 boundaries of the DeKalb County school system are altered by virtue of an annexation
144 by the City of Decatur, any buildings, facilities, or property owned by the DeKalb County
145 school system in an area annexed shall continue to be owned and operated by the DeKalb
146 County school system except as provided in this subsection. The DeKalb County school
147 system may elect to require the City Schools of Decatur to assume ownership of some or

148 all, as the DeKalb County school system elects, of such buildings, facilities, or property
149 and to be compensated in accordance with the provisions in this subsection. The DeKalb
150 County school system shall notify the City Schools of Decatur of its decision to sell any
151 building, facility, or property located in an annexed area no later than 180 days after the
152 effective date of the annexation. The City Schools of Decatur shall have no obligation
153 to retain such building, facility, or property for educational use, and may elect to declare
154 such building, facility, or property as surplus property at any time. Further, if the City
155 Schools of Decatur exercises its inherent power to create school district boundary lines
156 that are not coterminous with any area annexed by the City of Decatur following the
157 effective date of this Act, it may only be required by the DeKalb County school system
158 to purchase those buildings, facilities, or property that are located within the City Schools
159 of Decatur boundary lines. The two school systems shall negotiate for a period not to
160 exceed 90 days thereafter regarding compensation for and terms of transferring
161 ownership of such buildings, facilities, or property upon such request. If the two school
162 systems are unable to agree on compensation or other terms of transfer, the chief judge
163 of the Superior Court of DeKalb County shall appoint a special master to conduct a
164 binding arbitration regarding such compensation or terms of transfer.

165 (2) The special master shall base his or her decision regarding compensation on the
166 following factors:

167 (A) The actual capital investment in the building, facility, or property by DeKalb
168 County and the DeKalb County school system, including the market value of any
169 donated portion of the property in question;

170 (B) The appraised market value of such buildings, facilities, or property. The special
171 master shall choose two Georgia licensed appraisers with experience appraising
172 properties of the type in question who have not performed appraisals for either school
173 system in the past 24 months, and consider the average of the two appraisals provided
174 by such appraisers;

175 (C) Whether a replacement facility is needed for the DeKalb County School system,
176 and if so, a compensatory factor reflecting the number of DeKalb County school system
177 students displaced and the amount of funding necessary to construct a replacement
178 building or facility, inclusive of land costs; and

179 (D) Whether the facility is needed and can be used by the City Schools of Decatur, and
180 any costs required for the City Schools of Decatur to use the building, facility, or
181 property.

182 (3) The special master may delay the transfer of buildings, facilities, or property for a
183 time sufficient to allow the DeKalb County school system to make appropriate
184 arrangements to house the displaced students, borrow, or otherwise assemble the funding
185 to acquire the property and may issue such other rulings as the circumstances may
186 necessitate to insure the orderly transfer of the buildings, facilities, or property at issue,
187 or to allow the City Schools of Decatur sufficient time to secure financing for such a
188 purpose, including levying any additional taxes which may be needed to fund such
189 purchase.

190 (f) Nothing in this section shall prevent the DeKalb County school system and the City
191 Schools of Decatur from entering into an intergovernmental agreement regarding the joint
192 or separate operation or ownership of buildings, facilities, or property in a DeKalb-Decatur
193 Schools annexation pool area, or to govern the attendance of students at schools outside of
194 the school system in which they reside. To the extent practicable, both school systems are
195 strongly encouraged to share buildings, facilities, or property when practicable to lower
196 facility costs and improve services to the students of both systems.

197 (g) There is created a Student Service Cooperation Committee that shall consist of three
198 members appointed by the DeKalb County Board of Education and three members
199 appointed by the City Schools of Decatur Board of Education. No elected member or
200 employee of either board of education shall serve on the committee concurrently with their
201 employment or elected service. The chairperson of the committee shall be selected by

202 majority vote of the committee and shall rotate on July 1 of each year between a DeKalb
203 County and a City Schools of Decatur appointee, provided that the initially selected
204 chairperson shall be a DeKalb County appointee. The committee shall propose policies
205 that both school systems can apply to better implement the services already being provided
206 by the DeKalb County school system to the City Schools of Decatur and identify other
207 services and resources the DeKalb County school system can provide to better serve the
208 students enrolled in both school systems. The committee shall make regular reports on its
209 findings to both the DeKalb County and City Schools of Decatur boards of education. No
210 less frequently than every five years, the committee shall make a formal report to the
211 DeKalb County legislative delegation outlining the status of efforts to cooperate in serving
212 the students of both systems, reviewing services provided to the City Schools of Decatur
213 by DeKalb County schools, and reporting on the taxes collected by the City Schools of
214 Decatur within the Dekalb-Decatur schools annexation pool area and the payments made
215 by the City Schools of Decatur to the DeKalb County schools during the time period prior
216 to the report.

217 (h) On an annual basis, the two school systems agree to assess the impact of the tax
218 allocation provided for in this section. The City Schools of Decatur shall calculate the
219 local share costs of educating those students who enroll during the period of assessment
220 due to annexation. If the calculated amount exceeds the residential taxes received by the
221 City Schools of Decatur during the review period, the City Schools of Decatur shall receive
222 a credit against future commercial taxes due the DeKalb County school system in an
223 amount equal to the deficit which shall be deducted from payments of such commercial
224 taxes until the additional costs for such enrolled students have been paid, but not to exceed
225 the difference between the taxes received by DeKalb County school system calculated at
226 the City of Decatur school tax rate, and the taxes the DeKalb County School system would
227 have received if the taxes were calculated at the DeKalb County tax rate.

228 (i) If a court of competent jurisdiction shall enter a final order not subject to appeal
229 invalidating any material part of this section, any annexation undertaken by the City of
230 Decatur shall not change the boundaries of the City Schools of Decatur and all such areas,
231 for school purposes, shall remain under the jurisdiction of the DeKalb County school
232 system. If such a final order is issued, both school systems shall work cooperatively to
233 submit a proposed local law to replace this section to the DeKalb County legislative
234 delegation for consideration in the next regular session of the Georgia General Assembly.
235 The systems are strongly encouraged to submit a jointly approved proposal, but may
236 submit separate proposals to the DeKalb County legislative delegation if they are unable
237 to do so."

238

SECTION 2.

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