

Senate Bill 72

By: Senators Williams of the 19th, Weber of the 40th, Rogers of the 21st, Tolleson of the 20th, Staton of the 18th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 20-2-86 of the Official Code of Georgia Annotated, relating to operation of school councils, so as to delete language relating to membership on the school council; to provide that the parent members make up a majority on the school council; to provide that the chairperson shall be a parent member; to provide for transition; to amend Code Section 20-2-290 of the Official Code of Georgia Annotated, relating to organization of schools under the "Quality Basic Education Act," so as to authorize the employment of school administrative managers to conduct the financial and business affairs of a school; to amend Subpart 1 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the employment of certificated professional personnel in elementary and secondary education, so as to provide for alternative teaching certifications for secondary school teachers; to provide for a definition; to provide for statutory construction; to prohibit discrimination or disparate treatment for teachers and applicants for alternative certification; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 20-2-86 of the Official Code of Georgia Annotated, relating to operation of school councils, is amended by revising subsections (c), (d), (e), and (j) as follows:

~~“(c) Membership on the council shall be open to teachers, parents, and business representatives selected from all businesses that are designated school business partners.~~

Any member may withdraw from the council by delivering to the council a written resignation and submitting a copy to the secretary of the council or school principal. Should school councilmembers determine that a member of the council is no longer active in the council as defined by the bylaws of the council, the council may, by a majority vote, withdraw such person’s membership status, effective as of a date determined by the council.

(d) The property and business of the council shall be managed by a minimum of seven school councilmembers of whom a majority shall constitute a quorum. The number of councilmembers shall be specified in the council's bylaws. ~~If the number of councilmembers exceeds seven, the number of parent members and teacher members must be equal.~~ Members of the school council shall include:

(1) ~~At least two~~ A number of parents or guardians of students enrolled in the school, excluding employees who are parents or guardians of such students, so that such parents or guardians make up a majority of the council and at least two of whom shall be businesspersons;

~~(2) Two businesspersons;~~

~~(3)~~(2) At least two certificated teachers, excluding any personnel employed in administrative positions, who are employed at least four of the six school segments at the school;

~~(4)~~(3) The school principal; and

~~(5)~~(4) Other members as specified in the council's bylaws, such as, but not limited to, students, staff, and representatives of school related organizations. Other businesspersons from the local business community may serve on the council and shall be selected by the other members of the school council. Selection procedures for these members and the business members shall be specified in the council's bylaws.

An employee of the local school system may serve as a parent representative on the council of a school in which his or her child is enrolled if such employee works at a different school. With the exception of the principal and the business representatives, members shall be elected by, and from among, the group they represent.

(e) Members of the council shall serve for a term of two years or for such other term as may be specified in the council's bylaws, except as provided in this subsection. ~~Upon the expiration of the terms of the councilmembers in office on July 1, 2004, the subsequent~~ The terms of the councilmembers shall be staggered. ~~In order to stagger the terms, the initial terms of one-half of the councilmembers pursuant to paragraph (1) of subsection (d) of this Code section, one-half of the councilmembers pursuant to paragraph (2) of subsection (d) of this Code section, one-half of the councilmembers pursuant to paragraph (3) of subsection (d) of this Code section, and one-half of the councilmembers pursuant to paragraph (5) of subsection (d) of this Code section shall have initial terms of one year and the remaining members shall have initial terms of two years.~~ Upon the expiration of the terms of the two businessperson councilmembers in office on July 1, 2007, these member positions shall subsequently be filled by parent councilmembers; provided, however, that additional businesspersons may serve on the council if provided for in the council's bylaws in accordance with paragraph (4) of subsection (d) of this Code section. Councilmembers

may serve more than one term. The office of school councilmember shall be automatically vacated:

(1) If a member shall resign;

(2) If the person holding the office is removed as a member by an action of the council pursuant to this Code section; or

(3) If a member no longer meets the qualifications specified in this Code section.

An election within the electing body for a replacement to fill the remainder of an unexpired term shall be held within 30 days, unless there are 90 days or less remaining in the term in which case the vacancy shall remain unfilled."

"(j)(1) The officers of the school council shall be a chairperson, vice chairperson, and secretary. Officers of the council shall be elected by the council at the first meeting of the council following the election of school councilmembers; provided, however, that the chairperson shall be a parent member. The officers of the council shall hold office for the term specified in the council's bylaws.

(2) The vice chairperson shall, in the absence or disability of the chairperson, perform the duties and exercise the powers of the chairperson and shall perform such other duties as shall be required by the council.

(3) The secretary shall attend all meetings, act as clerk of the council, and be responsible for recording all votes and minutes of all proceedings in the books to be kept for that purpose. The secretary shall give or cause to be given notice of all meetings of the council and shall perform such other duties as may be prescribed by the council."

SECTION 2.

Code Section 20-2-290 of the Official Code of Georgia Annotated, relating to organization of schools under the "Quality Basic Education Act," is amended by revising subsection (a) as follows:

"(a)(1) The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. Local school systems which have organized their schools in such a manner that facilities house grades six, seven, and eight or grades seven and eight shall qualify for the middle school program for students in grade levels so housed. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and another full-time principal for grades above or below the middle school grades; provided, however, that such schools also meet all other provisions of this Code section. Schools with students in the sixth grade shall not be eligible for the middle school program if the sixth grades are not housed in middle schools which also contain both grades seven and eight.

Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.

(2) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals."

SECTION 3.

Subpart 1 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the employment of certificated professional personnel in elementary and secondary education, is amended in Code Section 20-2-200, relating to teacher certification, as follows:

"20-2-200.

(a) The Professional Standards Commission shall provide, by regulation, for certifying and classifying all certificated professional personnel employed in the public schools of this state. No such personnel shall be employed in the public schools of this state unless they hold certificates issued by the commission certifying their qualifications and classification in accordance with such regulations. The commission shall establish such number of classifications of other certificated professional personnel as it may find reasonably necessary or desirable for the operation of the public schools; provided, however, that such classifications shall be based only upon academic, technical, and professional training, experience, and competency of such personnel. The commission is authorized to provide for denying a certificate to an applicant, suspending or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause after an investigation is held and

1 notice and an opportunity for a hearing are provided the certificate holder or applicant in
2 accordance with subsection (d) of Code Section 20-2-984.5. The commission shall
3 designate and define the various classifications of professional personnel employed in the
4 public schools of this state that shall be required to be certificated under this Code section
5 or under Code Section 20-2-206. Without limiting the generality of the foregoing, the term
6 'certificated professional personnel' is defined as all professional personnel certificated by
7 the commission and county or regional librarians.

8 (b)(1) The Professional Standards Commission shall establish rules and regulations for
9 appropriate requirements and procedures to ensure high-quality certification standards
10 for all Georgia educators while facilitating the interstate mobility of out-of-state certified
11 educators.

12 (2) Requirements established for initial certification applicants new to the profession, to
13 include out-of-state program completers with or without certificates and with no teaching
14 experience, may include, but are not limited to, demonstrated satisfactory proficiency in
15 the following: a test of broad general knowledge; a test of specific subject matter content
16 or other professional knowledge appropriate to the applicant's field of certification;
17 computer skill competency; standards of ethical conduct; and course work in the
18 identification and education of children who have special educational needs; provided,
19 however, that this paragraph shall not be construed to apply to alternative certification
20 requirements as provided in Code Section 20-2-206.

21 (3) Requirements established for holders of valid, professional out-of-state certificates
22 applying for their first Georgia certificate may include, but are not limited to the
23 following: computer skill competency; course work in the identification and education
24 of children who have special educational needs; recency of study; and standards of ethical
25 conduct. These requirements may be completed during the validity period of the first
26 Georgia certificate. At the time of application for the first Georgia certificate,
27 satisfactory proficiency in subject matter content appropriate to the applicant's field of
28 certification may be determined based on Professional Standards Commission approved
29 tests or combinations of successful teaching experience and academic, technical, and
30 professional preparation as outlined in rules of the Professional Standards Commission.

31 (4) Requirements for certification renewal shall be established to foster ongoing
32 professional learning, enhance student achievement, and verify standards of ethical
33 conduct. Such requirements may include, but are not limited to, professional learning
34 related to school improvement plans or the applicant's field of certification and
35 background checks. Should the Professional Standards Commission include a
36 requirement to demonstrate computer skill competency, the rules and regulations shall
37 provide that a certificated educator may elect to meet the requirement by:

1 (A) Completing a course in computer skill competency, including but not limited to the
2 phase one InTech model training program; or

3 (B) Receiving satisfactory results on a test in basic computer skill competency. If a
4 certificated educator elects to take such test pursuant to this subparagraph, the local
5 school system by which such educator is employed shall make available the opportunity
6 to take the test on site at the school in which the educator is assigned. Each principal
7 shall identify an administrator on site at each school to serve as a proctor for individuals
8 taking the test pursuant to this subparagraph.

9 Individuals holding a valid Georgia life certificate or a valid National Board for
10 Professional Teaching Standards certificate shall be deemed to have met state renewal
11 requirements except those related to background checks.

12 (5) Requirements designating approved in-field assignment standards appropriate to the
13 applicant's field of certification shall be established to ensure that educators are assigned
14 to those areas for which they are properly prepared. These standards may be determined
15 based on reviews of state approved curriculum courses, state approved preparation
16 programs, and designated certificate fields.

17 (c) An individual who has received two unsatisfactory annual performance evaluations in
18 the previous five-year period pursuant to Code Section 20-2-210 shall not be entitled to a
19 renewable certificate prior to demonstrating that such performance deficiency has been
20 satisfactorily addressed, but such individual may apply to the commission for a
21 nonrenewable certificate.

22 (d) No applicant who is under review by the commission shall be allowed to withdraw his
23 or her application for a certificate, permit, or other certification document without the
24 written consent of the commission. The commission shall retain its authority over those
25 applicants to proceed with the denial of the certificate, permit, or other certification
26 document upon any ground provided by law, or to enter an order denying the certificate,
27 permit, or other certification document upon any ground provided by law. The suspension
28 or expiration of any certificate, permit, or certification document, or its surrender without
29 the written consent of the commission, shall not deprive the commission of its authority to
30 do any of the following:

31 (1) Institute or continue a disciplinary proceeding against the holder of a certificate,
32 permit, or other certification document upon any ground provided by law;

33 (2) Enter an order suspending or revoking the certificate, permit, or other certification
34 document; or

35 (3) Issue an admonition to the holder of a certificate, permit, or other certification
36 document.

(e)(1) The Professional Standards Commission shall charge the following fees to persons who file applications with the commission under its regulations adopted pursuant to the authority of this Code section:

(A) For an applicant for initial certification who is not currently employed in Georgia public or private schools \$ 20.00

(B) For an applicant for initial certification who is not a graduate of an accredited education program from a Georgia college or university 20.00

(C) For an applicant for a higher certificate when the applicant then holds a Georgia certificate but who is not currently employed in Georgia public or private schools 20.00

(D) For an applicant for a certificate which adds a field or which endorses a certificate but who is not currently employed in Georgia public or private schools 20.00

(E) For an applicant for a conditional certificate 20.00

(F) For an applicant for the renewal of any certificate if the applicant is not currently employed by a public or private school in Georgia 20.00

(G) For evaluating transcripts where certificates are not issued and for issuing duplicate copies of certificates 20.00

(2) The fees provided for in paragraph (1) of this subsection shall be paid by an applicant by cashier's check or money order as a condition for filing the application.

(3) The fees provided for in this subsection shall be paid by the commission into the general funds of the state. The commission shall adopt regulations to carry out the provisions of this subsection.

(f) As used in this part, unless the context indicates otherwise, the term 'commission' means the Professional Standards Commission established under Part 10 of Article 17 of this chapter."

SECTION 4.

Said subpart is further amended by adding a new Code section to read as follows:

"20-2-206.

(a) For purposes of this Code section, the term 'core academic subject' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, or geography.

(b)(1) Each local school system may provide an alternative teacher certification program upon approval by the Professional Standards Commission for a secondary school teacher candidate to teach a course or courses in a core academic subject who:

(A) Possesses a master's degree, doctoral degree, or Juris Doctor in each academic subject in which the candidate will teach;

(B) Receives high-quality professional development that is sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(C) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(D) Assumes functions as a teacher only for a specified period of time not to exceed three years; and

(E) Demonstrates satisfactory progress toward full certification as prescribed by the Professional Standards Commission.

(2) The Professional Standards Commission shall apply the least restrictive standards when approving a school system developed program under this subsection.

(3) Any teacher certified pursuant to this subsection shall be considered a highly qualified teacher for purposes of the federal No Child Left Behind Act (P.L. 107-110).

(c) Each local school system may provide an alternative teacher certification program upon approval by the Professional Standards Commission for a secondary school teacher candidate to teach a course or courses in a subject that is not a core academic subject who:

(1) Possesses a master's degree, doctoral degree, or Juris Doctor in each academic subject in which the candidate will teach; and

(2) Demonstrates satisfactory progress toward full certification as prescribed by the Professional Standards Commission.

(d) A teacher receiving initial certification pursuant to this Code section shall be treated in the same manner as certificated professional personnel for purposes of this chapter or any local board of education policy, including receiving salaries pursuant to the minimum salary schedule provided for in Code Section 20-2-212.

(e) A local school system shall not discriminate or treat differently in any manner a teacher possessing initial certification pursuant to this Code section, an applicant seeking initial certification pursuant to this Code section, or an individual meeting the requirement contained in subparagraph (b)(1)(A) or paragraph (1) of subsection (c) of this Code section and eligible for initial certification pursuant to this Code section, including, but not limited to, refusal to admit such teacher to a job fair or other teacher recruitment activity."

SECTION 5.

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