

House Bill 706 (AS PASSED HOUSE AND SENATE)

By: Representatives Dudgeon of the 24th, Coleman of the 97th, England of the 108th, Kaiser of the 59th, Dickson of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to delete obsolete, unused, and unnecessary provisions; to clarify a provision relating to eligibility for enrollment; to eliminate a deadline for annual performance evaluations; to clarify the legal status of regional educational service agencies; to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school systems; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-5, relating to oaths of members of the State Board of Education, board meetings, and the chairperson, as follows:

"20-2-5.

The members of the State Board of Education shall take an oath of office for the faithful performance of their duties and the oath of allegiance to the federal and state Constitutions. ~~They shall meet at the state capital in the Department of Education or at such place in the capital as may be designated by the Governor for that purpose.~~ The state board shall meet quarterly in regular session at such time as it may by regulation provide and may hold additional meetings at the call of the chairperson, provided that upon the written request of a majority of the members of the state board, the State School Superintendent shall call a meeting at any time."

SECTION 2.

Said chapter is further amended by revising Code Section 20-2-5.2, relating to elections of chairperson and other officers of the State Board of Education, and the term, duties, and authority of the chairperson, as follows:

"20-2-5.2.

The State Board of Education shall elect a chairperson and such other officers it may deem appropriate. The term of the chairperson shall be fixed by the state board. The chairperson shall preside at meetings of the state board, set the agenda for the state board, and perform such other duties as required by the state board. ~~The chairperson is authorized, after a reasonable attempt at consultation with the State School Superintendent, to require any employee of the Department of Education to furnish information or perform functions for the state board."~~

SECTION 3.

Said chapter is further amended by revising Code Section 20-2-7, relating to where committee meetings of the State Board of Education may be held, as follows:

"20-2-7.

The members of the State Board of Education as a committee or any committee of the state board ~~when authorized by board action taken at a meeting held at the state capital in the Department of Education~~ may hold committee meetings anywhere within or outside this state when necessary to obtain information for future guidance of the state board; provided, however, that no action of the state board shall be of force and effect unless such action is taken at a regular or called meeting of the state board ~~held at the state capital in the Department of Education as provided by Code Section 20-2-5."~~

SECTION 4.

Said chapter is further amended by repealing and reserving Code Section 20-2-12, relating to educational television programs.

SECTION 5.

Said chapter is further amended by repealing and reserving Code Section 20-2-100, relating to substituting county school superintendent for county school commissioner.

SECTION 6.

Said chapter is further amended by revising Code Section 20-2-103, relating to the oath of the county school superintendent, as follows:

"20-2-103.

Before entering upon the discharge of his or her official duties, the ~~county~~ local school superintendent shall take and subscribe to the ~~same~~ following oath of office ~~required of the other officers of this state.;~~

STATE OF GEORGIA

COUNTY OF _____

I, _____, do solemnly swear or affirm that I will truly perform the duties of local school superintendent of the _____ School System to the best of my ability.

I do further swear or affirm:

(1) That I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;

(2) That I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding;

(3) That I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; and

(4) That I will support the Constitution of the United States and of this state.

Signature of local school superintendent

Typed name of member of
local school superintendent

Sworn and subscribed

before me this _____ day

of _____, _____.

(SEAL)."

SECTION 7.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-150, relating to eligibility for enrollment, as follows:

"(b) A child who was a legal resident of one or more other states or countries for a period of two years immediately prior to moving to this state and who was legally enrolled in a public kindergarten or first grade, or a kindergarten or first grade accredited by a state or regional association or the equivalent thereof, shall be eligible for enrollment in the

89 appropriate general or special education programs authorized in this part if such child will
90 attain the age of five for kindergarten or six for first grade by December 31 and is
91 otherwise qualified."

92 **SECTION 8.**

93 Said chapter is further amended in Code Section 20-2-168, relating to distribution of federal
94 funds, combined purchase of supplies and equipment, minimum school year, summer school
95 programs, and year-round operation, by repealing subsection (f), relating to the "Summer
96 Opportunity Program."

97 **SECTION 9.**

98 Said chapter is further amended by revising subsection (d) of Code Section 20-2-210, relating
99 to annual performance evaluations for school personnel, as follows:

100 "(d) The superintendent of each local school system shall identify an appropriately trained
101 evaluator for each person employed by the local unit of administration for the purposes of
102 completing an annual evaluation as required in subsections (a) and (b) of this Code section.
103 ~~The evaluator shall be required to complete such annual evaluation for each certificated~~
104 ~~person prior to April 1 of each year.~~ The superintendent of each local school system shall
105 be responsible for ensuring compliance with this Code section."

106 **SECTION 10.**

107 Said chapter is further amended by repealing and reserving Code Section 20-2-212.3, relating
108 to increasing teachers' salaries in areas of shortage.

109 **SECTION 11.**

110 Said chapter is further amended by repealing and reserving Code Section 20-2-212.4, relating
111 to an additional five percent increase in teacher salary based on student performance.

112 **SECTION 12.**

113 Said chapter is further amended by repealing and reserving Code Section 20-2-213, relating
114 to career ladder programs.

115 **SECTION 13.**

116 Said chapter is further amended by repealing Code Section 20-2-231, relating to the Georgia
117 Education Leadership Academy.

SECTION 14.

Said chapter is further amended by repealing Code Section 20-2-232, relating to staff development plans by local school systems.

SECTION 15.

Said chapter is further amended by revising Code Section 20-2-240, relating to the powers and duties of the State Board of Education, as follows:

"20-2-240.

(a) The State Board of Education shall adopt and prescribe all rules, regulations, and policies required by this article and such other rules, regulations, and policies as may be reasonably necessary or advisable for proper implementation, enforcement, and carrying out of this article and other public school laws and for assuring a more economical and efficient operation of the public schools of this state or any phase of public elementary and secondary education in this state. The state board shall establish and enforce standards for operation of all public elementary and secondary schools and local units of administration in this state so as to assure, to the greatest extent possible, equal and quality educational programs, curricula, offerings, opportunities, and facilities for all of Georgia's children and youth and for economy and efficiency in administration and operation of public schools and local school systems throughout the state. The state board shall have the power to perform all duties and to exercise all responsibilities vested in it by provisions of law for the improvement of public elementary and secondary education in this state, including actions designed to improve teacher and school effectiveness through research and demonstration projects. The state board shall have the power to take such actions as it deems necessary to ensure that the citizens have full awareness and knowledge relative to the costs, quality, and performance of the public elementary and secondary schools of this state. All rules, regulations, policies, and standards adopted or prescribed by the state board in carrying out this article and other school laws shall, if not in conflict therewith, have the full force and effect of law.

~~(b) The State Board of Education is authorized, after a reasonable attempt at consultation with the State School Superintendent, to organize and reorganize the Department of Education and the various offices, divisions, sections, and units thereof and to prescribe the duties, functions, and operations of each at such times and in such manner as the state board may deem necessary or desirable for the more economical or effective organization, administration, or functioning of the department."~~

SECTION 16.

Said chapter is further amended by repealing and reserving Code Section 20-2-251, relating to demonstration programs.

SECTION 17.

Said chapter is further amended by repealing and reserving Code Section 20-2-252, relating to electronic technology.

SECTION 18.

Said chapter is further amended by repealing and reserving Code Section 20-2-253, relating to achievement grants.

SECTION 19.

Said chapter is further amended by repealing and reserving Code Section 20-2-254, relating to educational research.

SECTION 20.

Said chapter is further amended by adding a new subsection to Code Section 20-2-270, relating to the establishment of a state-wide network of regional educational service agencies, to read as follows:

"(f) Regional educational service agencies are not state agencies but shall be considered local units of administration for purposes of this chapter."

SECTION 21.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-281, relating to assessment of effectiveness of educational programs, as follows:

"(b) The nationally normed assessments provided for in subsection (a) of this Code section shall provide students and their parents with grade equivalencies and percentile ranks which result from the administration of such tests. Criterion-referenced tests and the high school graduation test provided for in subsection (a) of this Code section shall provide for results that reflect student achievement at the individual student, classroom, school, system, and state levels. The State Board of Education shall participate in the National Assessment of Educational Progress (NAEP) and may participate in any other tests that will allow benchmarking this state's performance against national or international performance. The results of such testing shall be provided to the Governor, the General Assembly, and the State Board of Education and shall be reported to the citizens of Georgia. Further, the state board shall adopt a school readiness assessment for students entering first grade and shall

administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary supplements as part of a pay for performance or related plan pursuant to Code Section 20-2-213 or other Code sections under this article may be assessments of student achievement."

SECTION 22.

Said chapter is further amended by repealing Code Section 20-2-285.1, relating to provisions applicable to third-grade criterion-referenced reading assessment students.

SECTION 23.

Said chapter is further amended by repealing and reserving Code Section 20-2-303, relating to educational television.

SECTION 24.

Said chapter is further amended by repealing and reserving Code Section 20-2-312, relating to a state program for middle school children during nonschool hours.

SECTION 25.

Said chapter is further amended by revising Code Section 20-2-500, relating to promulgation of rules and regulations for contracts or purchases over \$100.00, purchases over \$100,000.00, and vendor preferences, as follows:

"20-2-500.

~~(a) The State Board of Education is authorized to promulgate rules and regulations to regulate contracts or purchases which involve the aggregate sum of \$100.00 or more for or on behalf of students of any public elementary or secondary school supported in whole or in part from public funds.~~

~~(b)(1) Such rules~~ Local boards of education shall provide that ~~such~~ contracts for or purchases of supplies, materials, equipment, or agricultural products, including but not limited to school buses but not including instructional materials or beverages for immediate consumption, for public elementary and secondary schools supported in whole or in part from public funds shall give preference as far as may be reasonable and practicable to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in this state. Such preference shall not sacrifice quality.

~~(2) Such rules~~ Local boards of education shall provide that, in determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the local school district shall consider, among other factors, information submitted by the

bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. No local school district shall divide a contract or purchase which exceeds \$100,000.00 for the purpose of avoiding the requirements of this paragraph.

~~(c)~~(b) Vendors resident in the State of Georgia are to be granted the same preference over vendors resident in another state in the same manner, on the same basis, and to the same extent that preference is granted in awarding bids for the same goods or services by such other state to vendors resident therein over vendors resident in the State of Georgia.

~~(d)~~(c) Nothing in this Code section shall negate the requirements of Code Section 50-5-73."

SECTION 26.

Said chapter is further amended by repealing and reserving Code Section 20-2-501, relating to the prohibition of contracts or purchases over \$100.00 which are not in compliance with rules and regulations.

SECTION 27.

Said chapter is further amended by repealing and reserving Code Section 20-2-502, relating to disciplining measures for violations of Code Section 20-2-501.

SECTION 28.

Said chapter is further amended by repealing and reserving Code Section 20-2-503, relating to the authority of local boards of education to purchase educational information, literature, and services.

SECTION 29.

Said chapter is further amended by repealing and reserving Article 15, relating to school census.

SECTION 30.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating to requirements for private schools and home study programs, as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education, which may provide for electronic submittal of such declaration of intent ~~superintendent of schools of the local school district in which the home study program is located;~~

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) Attendance records for the home study program shall be kept and shall be submitted annually to the Department of Education, which may provide for electronic submittal of such records ~~at the end of each month to the school superintendent of the local school district in which the home study program is located.~~ Attendance records and reports shall not be used for any purpose except providing necessary attendance information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of

such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 31.

Said chapter is further amended by revising subsection (d) of Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, as follows:

"(d) Local school superintendents in the case of private schools, the Department of Education in the case of ~~or~~ home study programs, and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart."

SECTION 32.

Said chapter is further amended by revising Code Section 20-2-694, relating to administration and enforcement of compulsory attendance laws, as follows:

"20-2-694.

It shall be the duty of each county and independent school system board of education, ~~and~~ each local school superintendent within the state, and the Department of Education to administer this subpart and to secure its enforcement in cooperation with the other state and county agencies and in cooperation with the administrators of private schools and parents or guardians providing a home study program."

SECTION 33.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-701, relating to local school superintendents or visiting teachers and attendance officers to report truants to juvenile or other courts, as follows:

"(a) Local school superintendents as applied to private schools, the Department of Education as applied to ~~and~~ home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a

318 public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for
319 such child."

320 **SECTION 34.**

321 Said chapter is further amended by repealing Code Section 20-2-741, relating to local boards
322 of education sending copies of student codes of conduct to the Department of Education.

323 **SECTION 35.**

324 Said chapter is further amended by repealing and reserving Code Section 20-2-771.1, relating
325 to voluntary preenrollment of children.

326 **SECTION 36.**

327 Said chapter is further amended by repealing and reserving Code Section 20-2-960, relating
328 to requiring bonds of principals.

329 **SECTION 37.**

330 Said chapter is further amended in Code Section 20-2-984, relating to the authority of the
331 Professional Standards Commission, by repealing and reserving subsection (e), relating to
332 demonstration plans under Code Section 20-2-251.

333 **SECTION 38.**

334 Said chapter is further amended by repealing and reserving Article 20, the "Education
335 Partnership Act of 1990."

336 **SECTION 39.**

337 Said chapter is further amended by repealing and reserving Code Section 20-2-1183, relating
338 to possession of electronic communication devices in school.

339 **SECTION 40.**

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