

House Bill 71

By: Representatives McLeod of the 105<sup>th</sup>, Scott of the 76<sup>th</sup>, Burnough of the 77<sup>th</sup>, Bazemore of the 63<sup>rd</sup>, Davis of the 87<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to financing under the "Quality Basic Education Act," so as to provide  
3 for a pilot program to implement the student based funding recommendations of the 2015  
4 Education Reform Commission; to mandate pre-kindergarten and kindergarten for all  
5 children prior to entering first grade; to include mandatory pre-kindergarten programs in the  
6 student based allocation of state funds; to provide for selection criteria; to provide for  
7 temporary waivers and variances of state rules and statutory provisions; to provide for annual  
8 reports; to provide for automatic repeal; to provide for related matters; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
13 relating to financing under the "Quality Basic Education Act," is amended by adding a new  
14 Code section to read as follows:

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15 "20-2-172.

16 (a) The State Board of Education shall, in coordination with the Office of Planning and  
17 Budget, establish a pilot program to employ an alternative student funding formula in up  
18 to six local school systems for a period of four years. The purposes of the pilot program  
19 are to assess the feasibility of:

20 (1) Implementing the recommendation of the 2015 Education Reform Commission to  
21 establish a simpler, more flexible, and transparent student based mechanism for allocating  
22 state education funds;

23 (2) Mandating pre-kindergarten and kindergarten for all children prior to entering first  
24 grade; and

25 (3) Including state funding for mandatory pre-kindergarten programs in the student based  
26 allocation of state funds provided for in this Code section.

27 (b) The State Board of Education shall evaluate applications from local school systems to  
28 participate in the program based on the following factors:

29 (1) In an effort to pilot the alternative student based funding formula in various types of  
30 local school systems represented in the state, the State Board of Education shall seek to  
31 include:

32 (A) Local school systems of varying student enrollment sizes;

33 (B) Local school systems in rural, suburban, and urban areas of the state; and

34 (C) Local school systems in various geographic areas of the state;

35 (2) Capability of a local school system to participate in the pilot program for its duration;

36 (3) The level of innovation proposed by a local school system to utilize the flexibility  
37 that will be afforded pursuant to the pilot program; and

38 (4) Other factors deemed appropriate by the State Board of Education.

39 (c) The pilot program, as determined by the State Board of Education, shall provide for the  
40 implementation of a state funded, student based funding formula for grades  
41 pre-kindergarten through twelve consisting of a base student amount, weighted student

42 characteristics, and categorical grants, consistent with the recommendations of the 2015  
 43 Education Reform Commission. The funding formula shall be student based determined  
 44 by enrollment; provided, however, that the State Board of Education may provide for a  
 45 transition from full-time equivalent student counts, as necessary. The general education  
 46 program in grades six through eight shall be the base program. The amount of funds  
 47 needed by each student in the base program, in order that such program can be sufficiently  
 48 funded to provide education to all enrolled students, shall be known as the 'base amount.'  
 49 The General Assembly shall annually establish through the General Appropriations Act the  
 50 base amount to be used each year. An additional amount shall be added to the base amount  
 51 for each student based on identifiable characteristics. An individual student may have  
 52 multiple identifiable characteristics and shall earn funding based on each identifiable  
 53 characteristic. The following identifiable characteristic weights shall be multiplied by the  
 54 base amount for each identifiable characteristic of the student:

55	<u>(1) Students enrolled in pre-kindergarten through grade three . . .</u>	<u>0.2872 weight</u>
56	<u>(2) Students enrolled in grades four and five . . . . .</u>	<u>0.0800 weight</u>
57	<u>(3) Students enrolled in grades nine through 12 . . . . .</u>	<u>0.0822 weight</u>
58	<u>(4) Career, technical, and agricultural education students . . . . .</u>	<u>0.0502 weight</u>
59	<u>(5) Students with disabilities – Category A . . . . .</u>	<u>0.4089 weight</u>
60	<u>(6) Students with disabilities – Category B . . . . .</u>	<u>0.7099 weight</u>
61	<u>(7) Students with disabilities – Category C . . . . .</u>	<u>1.7762 weight</u>
62	<u>(8) Students with disabilities – Category D . . . . .</u>	<u>2.4710 weight</u>
63	<u>(9) Students with disabilities – Category E . . . . .</u>	<u>4.8947 weight</u>
64	<u>(10) Students identified as intellectually gifted . . . . .</u>	<u>0.3231 weight</u>
65	<u>(11) Economically disadvantaged students . . . . .</u>	<u>0.0970 weight</u>
66	<u>(12) English for speakers of other languages (ESOL) program</u>	
67	<u>students . . . . .</u>	<u>0.1937 weight</u>

68 The State Board of Education shall establish criteria, based on the recommendations of the  
69 2015 Education Reform Commission, for how identifiable characteristics of students are  
70 defined and may work with the local school systems in the pilot program to update such  
71 definitions as needed to make improvements and establish any new reporting mechanism  
72 necessary to implement the student based funding formula. The General Assembly shall  
73 annually, through the General Appropriations Act, provide appropriate funding for the local  
74 school systems participating in the pilot program. The local school systems in the pilot  
75 program may use the earned funds flexibly to meet the needs of their students in  
76 accordance with their strategic waivers school system contract.

77 (d)(1) To participate in the pilot program, a local school system shall ensure that all  
78 pre-kindergarten and kindergarten programs:

79 (A) Are staffed by highly qualified teachers and administrators by no later than the  
80 start of the second year of the pilot program;

81 (B) Include free breakfast and lunch for all students; and

82 (C) Include transportation services.

83 (2) A local school system may provide for pre-kindergarten and kindergarten programs  
84 within the local school system's educational facilities, as defined in Code Section  
85 20-2-260, or by partnering with early care and education program providers regulated by  
86 the Department of Early Care and Learning pursuant to Chapter 1A of this title, or by a  
87 combination thereof; provided, however, that a local school system that partners with  
88 early care and education program providers regulated by the Department of Early Care  
89 and Learning shall, by the end of the second year of the pilot program, submit to the State  
90 Board of Education a detailed plan for the timely transition of all pre-kindergarten  
91 programs to the local school system's educational facilities.

92 (e) To participate in the pilot program, a local school system must be a strategic waivers  
93 school system.

94 (f) The State Board of Education shall, in coordination with the Office of Planning and  
95 Budget, develop an application process and seek applications from schools and local school  
96 systems no later than January 1, 2022. The pilot program shall be implemented as soon as  
97 practicable, but in no event later than the 2022-2023 school year.

98 (g) To implement the pilot program, notwithstanding any other provision of law to the  
99 contrary, the State Board of Education shall be authorized to waive or provide variances  
100 to state rules, regulations, policies, and procedures and to provisions of this chapter that  
101 may be reasonably necessary to meet the goals of the pilot program, including, but not  
102 limited to, Parts 4 and 5 of this article and any corresponding rule promulgated by the State  
103 Board of Education.

104 (h) The State Board of Education shall be authorized to establish any reporting  
105 requirements on the local school systems participating in the pilot program.

106 (i) The State Board of Education, in coordination with the Office of Planning and Budget,  
107 shall monitor and annually assess the status of the pilot program with cooperation and input  
108 from the local school systems participating in the pilot program. On or before December  
109 31 of each year, the State Board of Education shall provide an annual report to the  
110 chairpersons of the Senate Education and Youth Committee, the House Committee on  
111 Education, and the education subcommittees of the Senate Appropriations Committee and  
112 the House Committee on Appropriations on the progress to date of the pilot program,  
113 feedback from the local school systems participating in the pilot program, recommended  
114 changes to the pilot program, and outlook of the pilot program.

115 (j) This Code section shall stand repealed in its entirety on July 1, 2026."

116 **SECTION 2.**

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