

House Bill 1122 (COMMITTEE SUBSTITUTE)

By: Representatives Hilton of the 48<sup>th</sup>, Jones of the 47<sup>th</sup>, Dubnik of the 29<sup>th</sup>, Ballard of the 147<sup>th</sup>, Adeyina of the 110<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 secondary and elementary education, so as to provide for funding requirements to apply to  
3 local education agencies; to provide for one superintendent for each state charter school; to  
4 provide for funding for local and state charter school principals; to make conforming  
5 changes; to provide for definitions; to increase opportunities for students to attend and be  
6 enrolled in the public schools where their parents or guardians are employed, including  
7 charter schools, regardless of school attendance zone or school system residency; to limit the  
8 application of certain state charter school conflict of interest provisions to executive-level  
9 employees, rather than all employees, of local boards of education or local school systems;  
10 to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
14 secondary education, is amended in Part 5 of Article 6, relating to program weights and  
15 funding requirements under the "Quality Basic Education Act," by revising Code Section  
16 20-2-186, relating to allocation of funds for local systems to pay beginning salaries of

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17 superintendents, secretaries, accountants, nurses, and certain other personnel, and eligibility  
18 of failing schools for funds, as follows:

19 "20-2-186.

20 (a) As used in this Code section, the term:

21 (1) 'Local charter school' shall have the same meaning as in Code Section 20-2-2062.

22 (2) 'Local education agency' means any local school system, any charter school subject  
23 to the provisions of Article 31 or 31A of this chapter, and any completion special school  
24 subject to the provisions of Article 31C of this chapter, except this shall not include  
25 college and career academies that are charter schools, conversion charter schools as  
26 defined in Code Section 20-2-2062, whose charter is not held by a nonprofit corporation,  
27 or system charter schools as defined in Code Section 20-2-2062.

28 (3) 'State charter school' shall have the same meaning as in Code Section 20-2-2081.

29 (b) Funds provided under this article shall include the following for local systems  
30 education agencies to pay, on a 12 month basis, the beginning salaries of superintendents,  
31 assistant superintendents, and principals and the salaries of secretaries, accountants, and  
32 nurses, subject to appropriation by the General Assembly:

33 (1) Each local system education agency shall earn, for any number of full-time  
34 equivalent students equal to or under 5,000, funds sufficient to pay the beginning salaries  
35 of a superintendent and two assistant superintendents and the salaries of a secretary and  
36 an accountant; and

37 (2) For numbers of full-time equivalent students over 5,000 and less than 10,001, funds  
38 sufficient to pay the beginning salaries of a superintendent and four assistant  
39 superintendents and the salaries of a secretary and an accountant; and

40 (3) For numbers of full-time equivalent students over 10,000, funds sufficient to pay the  
41 beginning salaries of a superintendent and eight assistant superintendents and the salaries  
42 of a secretary and an accountant; and

43 (4) Each local education agency ~~local system~~ shall earn funds for the 2000-2001 school  
44 year sufficient to pay the beginning salary of a principal for each school in the local  
45 school system with a principal of record for the preceding year. Thereafter, each local  
46 school system shall earn funds sufficient to pay the beginning salary of a principal for  
47 each school in the local school system that reported a principal on the October certified  
48 personnel information report; provided, however, that any school which operates as a  
49 combination school, which is defined as any of the elementary grades, kindergarten  
50 through grade five, contiguous with one or more of the middle grades, grades six through  
51 eight; or as a combination school of any of the middle grades, grades six through eight,  
52 contiguous with one or more of the elementary grades or contiguous with one or more of  
53 the high school grades, grades nine through 12; or as a combination school of any of the  
54 high school grades, contiguous with one or more of the middle grades, shall earn funds  
55 sufficient to pay the beginning salary of a principal for each of the elementary, middle,  
56 or high school combinations. For purposes of this paragraph, 'contiguous' means grade  
57 levels in sequence, regardless of whether schools operating as a combination school are  
58 on the same campus sharing facilities or at different locations. Beginning with the  
59 2001-2002 school year, funds cannot be earned for more than one principal's salary for  
60 schools on the same campus sharing facilities unless the schools operate as a combination  
61 school as defined in this paragraph with separate facility codes issued by the Department  
62 of Education. A local ~~school system~~ education agency shall earn funds in the midterm  
63 adjustment sufficient to pay the beginning salary of a principal for a new school, if not  
64 otherwise earning the funds, when the school has reported full-time equivalent program  
65 counts in the October count, has an approved new school facility code issued by the  
66 department, and has reported a principal on the October certified personnel information  
67 report under the new facility code. It is further provided that funds for the salary of a  
68 principal shall not be earned under this paragraph for an evening school or alternative  
69 school; and

70 (5) Each local ~~school system~~ education agency shall earn funding for one nurse for every  
71 750 full-time equivalent students at the elementary school level and one nurse for every  
72 1,500 full-time equivalent students at the middle and high school levels. Such funding  
73 shall have a ratio of one registered professional nurse to five licensed practical nurses.  
74 Such funding shall be based on a contract length of 180 days and shall be sufficient to  
75 pay 50 percent of the average salary and benefits, as determined by the Department of  
76 Education, for a registered professional nurse or for a licensed practical nurse; provided,  
77 however, that such amount shall be phased in so that, in Fiscal Year 2013, such amount  
78 shall be 40 percent and, in Fiscal Year 2014, such amount shall be 45 percent. Local  
79 school systems shall not be required to provide any local matching funds for school  
80 nurses to receive funds pursuant to this paragraph. Local school systems that do not meet  
81 the minimum full-time equivalent student counts set out in this paragraph shall receive  
82 a base amount of funding. Each local school system shall expend 100 percent of the  
83 funds earned pursuant to this paragraph for salaries and benefits for school nurses.

84 ~~(b)~~(c) Notwithstanding the provisions of subsection (b) of this Code section regarding the  
85 number of and the funding earned for superintendents and principals:

86 (1) Each state charter school shall earn, for any number of full-time equivalent students,  
87 funds sufficient to pay the beginning salary of one superintendent;

88 (2) Each local charter school and state charter school that reported a principal on the  
89 October certified personnel information report and serves students in any of grades  
90 kindergarten through grade eight shall earn funds sufficient to pay the beginning salary  
91 of one principal for every 300 full-time equivalent students; provided, however, that no  
92 such school shall earn such funds for more than two principals; and

93 (3) Each local charter school and state charter school shall earn funds sufficient to pay  
94 the beginning salary of one principal for each school that reported a principal on the  
95 October certified personnel information report and serves grades nine through 12.

96 ~~(b)~~(d) All program weights, when multiplied by the base amount, shall reflect sufficient  
97 funds to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time  
98 equivalent students, for costs of operating an administrative office for certain local school  
99 systems as deemed warranted by the department, and for workers' compensation and  
100 employment security payments for personnel at the central office, school, and program  
101 levels, subject to appropriation by the General Assembly. Further, the program weights for  
102 all special education programs pursuant to Code Section 20-2-152, when multiplied by the  
103 base amount, shall reflect sufficient funds to pay the beginning salaries of special education  
104 leadership personnel essential and necessary for the effective operation of such programs  
105 in a base size local school system. Further, the program weights for all programs, when  
106 multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries  
107 of school psychologists and psychometrists essential and necessary for the effective  
108 operation of such programs in a local school system using a base size of 2,475 full-time  
109 equivalent students, subject to appropriation by the General Assembly; provided, however,  
110 that beginning with Fiscal Year 2016, such base size shall be 2,420 full-time equivalent  
111 students.

112 ~~(c)~~(e) Notwithstanding any provision of this Code section to the contrary, no local school  
113 system education agency shall earn funds under this Code section, except for funds for  
114 nurses, accountants, visiting teachers, school psychologists, and secretaries, if the local  
115 board of education or other public school governing body has not implemented in a failing  
116 school within the system the interventions, as defined in Code Section 20-14-41, that are  
117 prescribed by the State Board of Education."

118 **SECTION 2.**

119 Said chapter is further amended in Part 13 of Article 6, relating to organization of schools  
120 and school systems under the "Quality Basic Education Act," by revising subsection (b) of

121 Code Section 20-2-293, relating to student attending school in system other than system of  
 122 student's residence, as follows:

123 "(b) Notwithstanding the provisions of subsection (a) of this Code section or any other  
 124 general law, and except as provided by the General Assembly by local law, a student shall  
 125 be allowed to attend and be enrolled in the school in which a parent or guardian of such  
 126 student is a full-time teacher, ~~professional~~ paraprofessional, or other employee,  
 127 notwithstanding the fact that such school is not located in the local unit of administration  
 128 in which such student resides. Each local unit of administration shall be authorized to  
 129 allow a student to attend and be enrolled in the school in which a parent or guardian of such  
 130 student is a part-time teacher, paraprofessional, or other employee who works for at  
 131 least 20 hours per school week on average measured monthly, notwithstanding the fact that  
 132 such school is not located in the local unit of administration in which such student resides.  
 133 Each ~~school system~~ local unit of administration of this state shall provide procedures to  
 134 implement the provisions of this subsection."

135 **SECTION 3.**

136 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by revising  
 137 divisions (1)(A)(iii) and (1)(B)(ii) of subsection (a) and paragraph (3) of subsection (b) of  
 138 Code Section 20-2-2066, relating to admission, enrollment, and withdrawal of students, as  
 139 follows:

140 "(iii) A student whose parent or guardian is a member of the governing board of the  
 141 start-up charter school or is a full-time teacher, ~~professional~~, or a full-time or  
 142 part-time paraprofessional or other employee at the start-up charter school;"

143 "(ii) A student whose parent or guardian is a member of the governing board of the  
 144 conversion charter school or is a full-time teacher, ~~professional~~, or a full-time or  
 145 part-time paraprofessional or other employee at the conversion charter school;"

146 "(3) A student whose parent or guardian is a member of the governing board of the state  
147 chartered special school or is a full-time teacher, ~~professional~~, or a full-time or part-time  
148 paraprofessional or other employee at the state chartered special school;"

149 **SECTION 4.**

150 Said chapter is further amended in Article 31A, relating to state charter schools, by revising  
151 subparagraph (e)(2)(E) of Code Section 20-2-2084, relating to petition for charter schools,  
152 requirements of school, governing board membership, annual training, and simultaneous  
153 service prohibited, as follows:

154 "(E) Be an officer, member, or executive-level employee of a local board of education  
155 or ~~an employee~~ of a local school system."

156 **SECTION 5.**

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