

The Senate Committee on Finance offered the following substitute to SB 515:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to grants for educational programs under the "Quality Basic Education
3 Act," so as to increase the maximum number of participating teachers in the teacher
4 recruitment and retention tax credit program from 1,000 to 1,200 each year; to revise and
5 streamline provisions relative to such program; to reduce the amount of the annual tax credit
6 available to new participants from \$3,000.00 to \$2,500.00 after a date certain; to provide for
7 an exception; to repeal certain requirements for qualifying public schools; to provide for new
8 requirements for qualifying public schools based on school performance; to provide for
9 prioritized selection as necessary; to provide for rules and procedures; to extend deadline for
10 program applications; to provide for definitions; to amend Code Section 48-7-29.23 of the
11 Official Code of Georgia Annotated, relating to tax credits for teachers in the teacher
12 recruitment and retention program, so as to provide for tax credit amounts; to provide that
13 the total amount of tax credits shall not exceed \$3 million in any fiscal year; to provide for
14 related matters; to provide for an effective date; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17

SECTION 1.

18 Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 19 relating to grants for educational programs under the "Quality Basic Education Act," is
 20 amended by revising Code Section 20-2-251, relating to teacher recruitment and retention
 21 program, purpose, annual evaluation of program, and maximum participation, as follows:
 22 "20-2-251.

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

24 (1) 'Department' means the Department of Education.

25 ~~(1.1) 'High-need subject area' means one of the three content areas for which there are~~
 26 ~~the greatest percentages of unfilled positions for classroom teachers in a RESA service~~
 27 ~~area as determined annually for each RESA service area by the department based upon~~
 28 ~~a five-year average review of a survey reported by local school systems to the~~
 29 ~~department.~~

30 ~~(2) 'Participating local school system' means a local school system that participates in the~~
 31 ~~program by receiving grant money from the state and disbursing it to participating~~
 32 ~~teachers.~~

33 ~~(3) 'Participating school' means a qualifying public school that has been selected by the~~
 34 ~~department to participate in the program.~~

35 ~~(4)~~(2) 'Participating teacher' means a teacher, as defined in subsection (a) of Code
 36 Section 20-2-942, who is eligible to participate and does participate in the program.

37 ~~(5)~~(3) 'Postsecondary educational institution' means a school which is:

38 (A) ~~A unit~~ An institution of the University System of Georgia, including any college
 39 or university under the government, control, and management of the Board of Regents
 40 of the University System of Georgia; or

41 (B) An independent or private college or university located in ~~Georgia~~ this state and
 42 eligible to be deemed an approved school as defined in ~~paragraph (2)~~ of Code Section
 43 20-3-411.

44 ~~(6)~~(4) 'Program' means the teacher recruitment and retention program provided for in this
45 Code section.

46 ~~(7)~~(5) 'Qualifying public school' means a public school in this state that is designated by
47 the department as qualified to participate in the program that is located in a rural territory
48 in this state or a school that has performed in the lowest 5 percent of schools in this state
49 as identified in accordance with the state-wide accountability system established in the
50 state plan pursuant to the federal Every Student Succeeds Act.

51 ~~(8)~~(6) 'Recently hired' means a teacher, whether a new or experienced teacher, who has
52 accepted his or her first school year employment contract to teach at a qualifying public
53 school during the immediately preceding school year, whose employment contract was
54 renewed for the current school year, and who remains an employee in good standing with
55 such qualifying public school for the 2021-2022 school year, for the current school year,
56 or for the immediately upcoming school year.

57 ~~(9)~~(7) 'Rural territory' means territory that is more than five miles from the nearest
58 'urbanized area' and more than two and one-half miles from the nearest 'urban cluster' as
59 such terms are defined in OMB Standards for Defining Metropolitan and Micropolitan
60 Statistical Areas, 65 Fed. Reg. 82238.

61 ~~(10)~~'School year contract' means a contract of full-time employment between a teacher
62 and a local board of education covering a full school year. A contract of employment for
63 a portion of a school year shall not be counted as a school year contract, nor shall
64 contracts of employment for portions of a school year be cumulated and treated as a
65 school year contract. A contract of employment for any time outside a school year shall
66 not be counted as a school year contract, nor shall contracts of employment for time
67 outside a school year be cumulated and treated as a school year contract. A school year
68 contract is deemed included within a contract of full-time employment between a teacher
69 and a local board of education covering a full calendar or fiscal year.

70 ~~(11)~~(8) 'State board' means the State Board of Education.

71 (b)(1) The state board shall establish a teacher recruitment and retention program. The
72 purpose of such program shall be to encourage both new and experienced teachers to seek
73 employment ~~with qualifying public schools in high-need subject areas~~ at a qualifying
74 public school by providing for a tax credit as ~~provided for~~ set forth in Code Section
75 48-7-29.23 ~~to each participating teacher~~ in the amount of ~~\$3,000.00~~ \$2,500.00 per school
76 year for no more than five school years, which ~~must~~ shall be consecutive, subject to
77 conditions as provided for in this Code section, and subject to the exception provided for
78 in paragraph (2) of this subsection. The state board is authorized to promulgate rules,
79 regulations, policies, and procedures appropriate and necessary to implement and
80 administer this program.

81 (2) No individual who was eligible to receive a \$3,000.00 tax credit under this Code
82 section in effect on December 31, 2026, shall have the amount of such tax credit reduced
83 pursuant to paragraph (1) of this subsection.

84 (c)(1) By ~~October~~ December 1 of each year, the ~~department shall determine which public~~
85 ~~schools in this state are qualifying public schools and shall publish a list of all qualifying~~
86 ~~public schools on the department's website. For purposes of the program, a school that~~
87 ~~has been designated as a qualifying public school shall be eligible for selection as a~~
88 ~~participating school for the current school year and for at least the immediately upcoming~~
89 ~~school year. The department shall develop criteria for the selection of no more than 100~~
90 ~~participating~~ qualifying public schools ~~from the total number of qualifying public schools~~
91 and shall publish such selection criteria simultaneously with the publication of the list of
92 qualifying public schools on the department's website; provided, however, that such
93 criteria shall include prioritizing: ~~qualifying public schools with teacher vacancies in~~
94 ~~high-need subject areas.~~

95 (A) Public schools that are turnaround eligible schools, as such term is defined in Code
96 Section 20-14-45;

97 (B) Public schools on the separate list of public schools that performed in the lowest 25
98 percent of all public schools required under Code Section 20-2B-29; and

99 (C) Comprehensive support and improvement (CSI) schools requiring mandatory
100 state-led interventions pursuant to the federal Every Student Succeeds Act of 2015.

101 ~~(2) By December 1 of each year, the department shall select no more than 100~~
102 ~~participating schools and shall publish a list of all participating schools on the~~
103 ~~department's website. At this time, the department shall also publish a list of the~~
104 ~~high-need subject areas as determined for each RESA service area. A school that has~~
105 ~~been designated as a participating school shall be eligible to participate in the program~~
106 ~~for the current school year and for at least the immediately upcoming school year. The~~
107 ~~department shall determine the total number of participating teachers authorized for each~~
108 ~~participating school, as well as the high-need subject areas, which may be filled for each~~
109 ~~participating school.~~

110 ~~(3)~~(2) The department is authorized to receive applications from teachers who meet the
111 eligibility criteria provided for in subsection (e) of this Code section and is authorized to
112 share with ~~participating~~ local school systems and ~~participating other public~~ schools such
113 applications and related materials submitted by teachers.

114 ~~(4)~~(3) The department is authorized to provide guidance and technical assistance to
115 teachers, ~~participating schools, and local school systems, and other public schools with~~
116 ~~participating schools~~ regarding the program.

117 ~~(d) The Office of Student Achievement, in consultation with the department, shall~~
118 ~~establish program objectives and shall annually measure and evaluate the program.~~
119 ~~Beginning with the 2023-2024 school year, by December 1 of each year, the Office of~~
120 ~~Student Achievement shall provide to the Governor, to the House Education Committee~~
121 ~~and the Senate Committee on Education and Youth, and to the state board a report covering~~
122 ~~the immediately preceding school year and including, at a minimum, the following~~
123 ~~information:~~

124 ~~(1) The positions filled by participating teachers with corresponding information~~
 125 ~~regarding the subject matter and grade or grades taught, and~~

126 ~~(2) The length of time participating teachers have been participating in the program.~~

127 (e)(1) In order to be eligible to participate in the program, a teacher shall:

128 (A) Have been recently hired by a qualifying public school and shall have as his or her
 129 primary responsibility the academic instruction and support of students in the areas of
 130 mathematics; special education; career, technical, and agricultural education; or
 131 reading, writing, or English language arts; provided, however, that such teachers in the
 132 area of reading, writing, or English language arts shall hold a current dyslexia or
 133 reading endorsement approved by the Professional Standards Commission ~~been~~
 134 ~~recently hired to teach in a high-need subject area at a participating school;~~

135 (B) Have attained a bachelor's degree in education from a postsecondary educational
 136 institution with a teacher certification program approved by the Georgia Professional
 137 Standards Commission; and

138 (C) Hold a valid five-year induction or professional certificate issued by the Georgia
 139 Professional Standards Commission.

140 (2) Teachers who meet the eligibility criteria provided for in paragraph (1) of this
 141 subsection and who wish to participate in the program shall submit to the department a
 142 completed application to participate in the such program, on a form and in a manner
 143 prescribed by the department. ~~Each application shall, at a minimum, include:~~

144 ~~(A) A copy of the teacher's school year contract to teach at a participating school; and~~

145 ~~(B) Written verification from the principal or other school personnel of the~~
 146 ~~participating school that the teacher was recently hired as defined in this Code section.~~

147 (3)(A) Eligible teachers who complete the application process prescribed by the
 148 department shall be accepted to participate in the program on annual basis, subject to
 149 continuation of the program and the provisions of subsection (g) of this Code section
 150 and except for good cause shown by the department.

151 (B) A teacher who is accepted by the department to participate in the program shall be
152 allowed to continue as a participating teacher in the program on an annual basis for up
153 to five school years, which must be consecutive, provided that he or she remains
154 employed pursuant to a ~~school year~~ an employment contract as a teacher at the same
155 school continuously, ~~regardless of whether the school remains a participating or~~
156 ~~qualifying public school and regardless of whether the participating teacher's subject~~
157 ~~area remains a high-need subject area~~, and subject to continuation of the program and
158 the provisions of subsection (g) of this Code section and except for good cause shown
159 by the department.

160 (C) A participating teacher who is involuntarily transferred to another school within
161 the same ~~participating~~ local school system shall be eligible to continue participating in
162 the program on the same terms and conditions as provided in subparagraph (B) of this
163 paragraph. A participating teacher who voluntarily transfers to another school shall not
164 be eligible to continue participating in the program effective immediately upon the
165 transfer.

166 (D) ~~A participating teacher who receives an annual summative performance evaluation~~
167 ~~rating of 'Ineffective,' as provided for in Code Section 20-2-210, shall be permanently~~
168 ~~ineligible to participate in the program upon the conclusion of the school year in which~~
169 ~~he or she received such rating.~~

170 (E) A participating teacher who lawfully takes a leave of absence pursuant to any state
171 or federal law shall retain eligibility to continue participating in the program, provided
172 that he or she remains continuously employed pursuant to an employment ~~a school year~~
173 contract as a teacher at the same school ~~continuously~~.

174 (f) By July 31 of each year, the department shall notify the state revenue commissioner of
175 each participating teacher who has satisfied all terms and conditions of the program for the
176 immediately preceding school year.

- 177 (g) The number of participating teachers in the program in any school year shall be limited
 178 to ~~1,000 participating teachers~~ 1,200 state wide. In the event that applications exceed 1,200
 179 participating teachers state wide, the department, in consultation with the Professional
 180 Standards Commission and the Office of Student Achievement, shall develop and
 181 implement rules and procedures for a selection plan with priority consideration given to
 182 participating teachers at qualifying public schools in a rural territory. The department shall
 183 publish such rules and procedures on its website. In the discretion of the department,
 184 ~~participation in the program may be determined according to the following order of~~
 185 ~~priority:~~
- 186 (1) ~~Participating teachers shall be prioritized over teachers not yet participating in the~~
 187 ~~program; and~~
- 188 (2) ~~Among teachers participating in the program, those who are currently teaching a~~
 189 ~~high-need subject area shall be prioritized over those who are not teaching a high-need~~
 190 ~~subject area, and those with greater seniority in the program shall be prioritized over~~
 191 ~~those with less seniority.~~
- 192 (h) No new applications for the program shall be accepted after December 31, ~~2026~~ 2031."

193

SECTION 2.

194 Code Section 48-7-29.23 of the Official Code of Georgia Annotated, relating to tax credits
 195 for teachers in the teacher recruitment and retention program, is amended by revising
 196 subsection (a) and adding a new subsection to read as follows:

197 "(a) A taxpayer who is designated by the Department of Education as a participating
 198 teacher in the teacher recruitment and retention program provided for in Code Section
 199 20-2-251 shall be allowed a credit against the tax imposed by Code Section 48-7-20 ~~in an~~
 200 ~~amount equal to \$3,000.00~~ as follows:

201 (1) For individuals designated by the Department of Education as participating teachers
202 on or after January 1, 2027, \$2,500.00, except as provided in paragraph (2) of this
203 subsection; and

204 (2) For individuals designated by the Department of Education as participating teachers
205 on or before December 31, 2026, and for the duration of their eligibility to participate in
206 such program, \$3,000.00."

207 "(b.1) In no event shall the total amount of tax credits under this Code section exceed
208 \$3 million in any fiscal year. In the event that such amount is not sufficient to pay the full
209 tax credit to each eligible recipient, the tax credit for each eligible recipient shall be
210 reduced on a pro rata basis."

211 **SECTION 3.**

212 This Act shall become effective on January 1, 2027.

213 **SECTION 4.**

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