



LEGISLATIVE SUMMARY

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2015 LEGISLATIVE SESSION

The two most important things that happened in the 2015 legislative session regarding the evolution of public education in Georgia was the creation of the **Education Reform Commission**, whose charge is to reformulate the school funding formula, and the **Opportunity School District (OSD)** legislation that creates a constitutional amendment (to be voted on in November of 2016) that if passed by the voters would allow the Governor to take over schools he designates as failing.

GEORGIA OPPORTUNITY SCHOOL DISTRICT

The Governor's Constitutional Amendment to allow the Governor's office to take over schools they identify as failing squeaked through the House by 2 votes and the Senate by 1. GAE was a standout voice against this legislation. This legislation removes local control of schools deemed 'failing' from the local school board, the local superintendent and the community. The campaign to get voters to approve this measure will be well funded and has already begun. Below are the details of the legislation:

Status: Governor Deal's proposal to create an Opportunity School District (OSD) for Georgia passed the state legislature 3/25/2015. The resolution authorizing a constitutional amendment referendum will go before Georgia's voters on the November 2016 election ballot.

KEY PROVISIONS

Timeline

- The following question would be on the ballot:
"Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?"
- If approved by the voters, the OSD would be created effective for the 2017-18 school year.

Organization

- The Governor would select a superintendent for the OSD.
- The superintendent would be part of the Governor's Office of Student Achievement (GOSA).
- The OSD superintendent would report only to the Governor.
- The OSD would take over up to 20 schools per year with a maximum size of 100 schools.

Funding

- The constitutional amendment would give the OSD the authority "to receive, control, and expend state, federal, and local funds appropriated."
- Each school would receive funding equal to the state and federal funding as well as "an amount determined by OSD for each student enrolled in such school equal to a proportional share of local revenue from the local school system in which the school is located."
- The OSD may withhold up to 3% of the school's funding to cover administrative costs.

School selection

- GOSA would annually assign letter-grade ratings for all public schools in Georgia on an A through F grading scale.
- Schools with an "F" rating for three consecutive years would be eligible to become Opportunity Schools.
- To select from among the pool of eligible schools, other criteria will be considered such as geographic clusters of qualifying schools, feeder patterns with multiple eligible schools, availability of qualified partners, and community engagement and support.
- Final selection authority rests with the OSD superintendent.

Intervention models

- The OSD would have four choices for taking over a school.
 - Direct management by the OSD.
 - Shared governance with the local board via a contract in which the OSD has the authority to direct changes to be made at the school.
 - Reconstitution of the school as a state charter school in collaboration with the Charter School Commission.
 - Closure of the school and reassignment of the students to a non-qualifying school in the local system.
- The OSD's choice would include community input.
- Local boards of education must cooperate fully to make available requested services at a reasonable cost (e.g. transportation, cafeteria, custodial, utilities, alternative education, special education, student information services.)

- The OSD has the authority to decide whether employees of the school will continue as an employee.
- Retained and all other employees will become employees of the OSD or charter school governing board.
- Employees who are not retained by the OSD remain employees of the local board of education.

Governance

- Each OSD school will have a governing board operating as a Georgia non-profit corporation.
- The OSD superintendent will select the members of the board, who must be Georgia residents and US citizens. Board members may not be employees of the school.
- Facilities and their contents (e.g. textbooks, technology, media resources, and equipment) would be controlled by OSD.
- OSD or the management organization selected by OSD would be responsible for maintenance and repair. The local board of education would continue to be responsible for capital expenses.
- “Opportunity Schools” would remain in the OSD for a minimum of five years and a maximum of 10 years.
- For OSD schools that are charters, the renewal of the charter would exit the school from OSD control.
- For other intervention models, OSD would negotiate the transition of control back to the local board.



GOVERNOR’S EDUCATION REFORM COMMISSION

Equally as important as the OSD legislation is the Governor’s Education Reform Commission. The Commission is charged with reviewing Georgia’s education system, and, most notably, reviewing and recommending revisions to the QBE funding formula, access to early-learning programs, the recruitment and retention of high-quality instructors, and expanding school options for Georgia families.

The commission will submit recommendations to the Governor by Aug. 1, 2015. This Commission’s work will have serious implications for us in public education. Some of the Commission’s recommendations will have the ability to go into effect as early as the 2016-2017 school year. The 2016 legislative session will be where their recommendations will be brought to bear.

Dr. Charles Knapp, former president of the University of Georgia, chairs the commission. Subcommittees include: Funding Reform; Teacher Recruitment, Retention and Compensation; Early Childhood; Move on When Ready; and Expanding School Choice.

The Commission’s website lists its members and meeting schedules and agendas. Subcommittee dates will be added periodically.

<https://gov.georgia.gov/education-reform-commission>

THE FY 2016 BUDGET

This year’s amended FY 2015 budget made the constitutionally mandated adjustment for enrollment expansion in Georgia’s public schools.

For the FY 2016 Budget, the Governor’s proposal would have eliminated health benefits coverage in the State Health Benefit Plan (SHBP) for part-time, non-certified school workers. After significant action by GAE, members’ access to SHBP was restored by the General Assembly. Unfortunately, local school systems and employees will have no help from the state and will bear the full 100% cost of the premiums. Had the legislature included it in the budget, it would have been \$1.2 million in a \$22 billion budget; instead, that cost is passed on to the systems that will have much less resources to fund employee raises. As the legislature annually pushes line item school costs down to the local level, school systems will be forced to either increase tax revenues or privatize some services.

The overall K-12 Budget received \$288 million in austerity restoration, which means the FY 2016 budget cut is at \$466 million. Below are some line items in the budget:

- An increase in the Equalization Grant by \$18,840,831;
- Funding for Local Five Mill Share were increased by \$9,367,899;
- Funding for new math and science teachers was increased by \$1,235,053;
- Technology funding for local systems to build broadband \$35 million;
- Funding for the E-Rate program received \$1.6 million;
- Funding for the Accelerated Dual Enrollment program increased by \$19 million;
- Funding for nurses was increased by \$631,357;
- Funds for CTAE extended day/extended year were increased by \$94,382;
- Funding for 17 positions for TKES and LKES support, two (2) district positions, and one (1) teacher induction position by \$2,438,684;
- Funding for 10th grade students to take either the PSAT or ACT or COMPASS test;
- Funds for the Young Farmer program were increased by almost \$300,000;
- Sparsity grants were reduced by \$413,201;
- Elimination of funding for new school improvement positions at RESAs ;
- PBIS funds were increased by \$275,000; and
- Funds for the K-3 literacy program were transferred to the Governor’s Office of Student Achievement (GOSA).

To follow is a summary of the legislation that passed and/or failed this 2015 legislative session. As we move into the summer, it’s important to digest the picture of what is happening and understand how important your vote is as an educator and decide – who is a friend of public education in Georgia.

HB 170 | Transportation Act

The massive transportation bill was in conference committee until March 31 when both House and Senate finally agreed. The good news for education is the Education Local Option Sales Tax (ELOST) impact did not occur and all provisions of ELOST remain in place. There is a tax cap on motor fuel of \$3. Other highlights of the legislation are:

- Excise tax is 26 cents per gallon for gas and 29 cents per gallon for diesel. (Eliminates current 4 percent sales tax and 7.5 cents excise tax);
- Creates a \$5 per night statewide hotel/motel tax for transportation;
- Eliminates Delta's \$300 million tax credit;
- Ends \$5000 tax credit for electric cars and creates a \$200 per year fee for electric cars. Commercial electric vehicles will pay \$300 per year;
- A \$50 to \$100 fee for heavy trucks depending on weight;
- Allows counties to impose local transportation tax that is less than 1%; and
- Limits the collection of local sales taxes to the first \$3 on fuels. No tax may be collected on price above \$3.

GAE Position: **Neutral**

HB 502 | Title 20 Cleanup and More

Over the past four legislative sessions, there have been four Title 20 Cleanup bills. This is an important phenomenon that we have to be very mindful of. Title 20 guides all we do in public education. This year's bill again eliminates some outdated terminology such as middle grades, and changes curriculum to content standards. It also changes the names of the flexibility system models to Charter School Systems, Strategic Waivers Systems (formerly IE2), and No Waivers Systems (formerly Status Quo). The bill limits the number of private school and home school students that may employ the Georgia Virtual School. SB 116—urging freedom celebrations—and SB 202 —posting of historical documents—were added to the bill on the last day.

GAE Position: **Support**

HB 91 | Elimination of Georgia High School Graduation Test

Championed by House Education Chairman, Brooks Coleman, this bill allows students that did not pass some element of the High School Graduation Test (or even Basic Skills Test) to now be granted a diploma by their school system. Application forms have been sent

to all school systems. More information can be attained on the Department of Education (DOE) website.

GAE Position: **Support**

HB 177 | School Personnel Required to Report Child Abuse shall be Notified by Child Protective Agency upon Receipt of Report and Completion of Investigation

Requires that DFACS report back to the individual making a child abuse referral that the investigation and the outcome of the investigation have been completed.

GAE Position: **Support**

HB 131 | Cyber Bullying

Cyber bullying on/off campus that impacts school climate now is added to the list of bullying offenses.

GAE Position: **Support**

HB 164 | Extension of Professional Learning Waiver for Recertification to 2017

Teachers will not have to document professional learning for recertification through June 30, 2017. New rules take effect July 1, 2017.

GAE Position: **Support**

HB 198 | The Jason Flatt Act (Suicide Protocol)

Requires that the SDOE develop a suicide prevention protocol and make it available to all schools.

GAE Position: **Support**

SB 2 | High School Diploma for TechCollege Graduate

Students may leave high school after the 10th grade (must have two units each of science, math, social studies, and language arts) and enroll in any TCSG or USG school for which they can gain admission. If the student completes an associate degree or two certificate programs carrying industry certification, the student will be awarded a diploma by his/her home high school with no further coursework or testing. Such students qualify as dually enrolled.

GAE Position: **Support**

SB 89 | Digital Textbooks by 2020 and other Data Elements

Urges school systems to become totally digital by 2020. Late in the session, HB 414 which establishes and implements policies and requirements with respect to the collection and disclosure of student data was added to SB 89.

GAE Position: **Support**

SB 132 | Move on When Ready

Reorganizes dual enrollment and puts the payment for such under the Georgia Student Finance Commission (GSFC). It Permits the GSFC to set fees and charges that will be paid to postsecondary institutions.

GAE Position: **Support**

SB 164 | PBIS Promotion

The bill encourages school systems to adopt Positive Behavior Intervention System (PBIS) as an adjunct to their discipline and school climate improvement efforts.

GAE Position: **Support**

HB 62 | Expedited IEP for Children of Military Personnel

Military parents that wish to use the special needs scholarship now qualify for the expedited IEP and are no longer required to spend one year in a regular public school in Georgia.

GAE Position: **Neutral**

HB 209 | Special Needs Scholarship Notification at IEP Meeting

Requires written notification of special needs scholarship qualification at initial IEP and each year thereafter via electronic or other means, e.g. having information in the SPED handbook given to parents.

GAE Position: **Neutral**

HB 313 | Eight Hours Paid Leave for State Employees to Promote Education

Provides eight hours of paid leave for full time state employees, not including teachers, to promote education. Time may not be spent in political activity.

GAE Position: **Neutral**

HB 362 | Schools may Dispense Albuterol Sulfate

Albuterol may be administered by qualified school staff to students suffering an asthma attack.

GAE Position: **Neutral**

HB 372 | School Building Occupancy Restrictions

This bill was in response to a charter school in Clayton County having a delayed opening. Once the State Department of Education has granted an occupancy certificate to a school or school system, local agencies may not prevent occupation of the building or impose fees.

GAE Position: **Neutral**

HB 401 | Background Check for Early Childcare Workers

Requires all child care facilities to conduct background checks on all employees.

GAE Position: **Support**

HB 474 | Priority for Disadvantaged Students in Charter Schools

Permits charter schools to give priority to disadvantaged students in admission for the charter school if a lottery admission is used. This bill was added to HB 372.

GAE Position: **Neutral**

HR 303 | Civics Instruction

Encourages the SDOE to enhance civics instruction in social studies classes.

GAE Position: **Neutral**

SB 156 | Creates a Foundation for the State Charter School Commission

The Charter Commission now has a non-profit foundation that enables it to receive donations just as the foundation in DOE and the Governor's Office of Student Achievement.

GAE Position: **Neutral**

SR 80 | AP US History Resolutions

Senate resolution that demanded the College Board modify its AP US History guidelines to make it more conservative. The House failed to consider the resolution.

GAE Position: **Oppose**

SR 564 | Senate Study Committee on School Construction

Establishes a Senate Study Committee to be appointed by the Lt. Governor to study the costs and process of school construction in Georgia.

GAE Position: **Neutral**

LEGISLATION THAT FAILED IN 2015 ALL OF WHICH WE OPPOSED

The legislation that failed to pass the 2015 legislative session will rest, and many of these items can be reconsidered in the 2016 legislative session as Georgia observes a two-year legislative cycle. If bills are in committee, they are considered still alive. Expect all these bills to come forward again next session with some getting some kind of interaction with the Governor's Education Reform Commission.

VOUCHERS

HB 243 | Education Savings Account Act, introduced by Rep. Mark Hamilton (HD 24-Cumming), took a nefarious route but nonetheless emerged from House Ways and

Means but did not get a floor vote in neither the House or the Senate.

HB 35 | was Rep. Earl Ehrhart's (HD 36-Powder Springs) annual bill to expand private school tax credit scholarships. This year's request was to expand the tuition tax credits in Georgia from \$58 million to \$250 million. The bill never received a committee hearing but look for it to come back next year.

HB 296 | sponsored by Rep. Randy Nix (HD 69-LaGrange) would expand the special needs vouchers to students who are lawful refugees and asylum seekers. Those students would also no longer have to meet the one-year residency requirement.

TRS

SB 152 | introduced by Sen. Hunter Hill (SD 6-Atlanta) is one of the most significant pieces of legislation. It strives to fundamentally alter the Teachers Retirement System of Georgia (TRS). GAE's members work on this bill shut the door to even a committee hearing. In the days after the close of the legislative session, there is some maneuvering by legislators. A meeting of a joint retirement committee hearing will be scheduled in June. At that meeting, members will vote to send retirement bills for an actuarial study. Upon completion, the bills will be eligible for consideration in the 2016 legislative session.

If you do nothing else this summer, contact House and Senate Retirement Committee members and urge them to not include SB 152 in the actuarial study.

Other TRS related legislation includes HB 459 which would expand the federal jobs eligible to receive credit in the Georgia Teachers Retirement System. This legislation will need an actuarial study. Expect it on the June agenda for the joint committees.

HB 270 | would make changes to TRS bylaws that are non-fiscal. But any changes to the TRS bylaws can be used as a legislative tool.

HB 217 | would allow the investing of public retirement funds to include mutual funds and funds regulated by the Office of the Controller of the Currency Department of the Treasury.

HB 250 | would allow a member of TRS to assign his/her benefits to a trust or spouse. The change would help with some qualifications for specific government program at the state and federal levels.

CHARTER SCHOOL CREATION

HR 4 | this is the third time around for this legislation. The bill is a proposed constitutional amendment to allow new created cities to also create a new charter school system. In some cases new cities would

attempt to claw existing schools from their current system. Some could create their own but would still have implications to current systems as they would take away the students.

HB 271 | would allow the creation of charter schools operated in the 'workplace,' with the students enrolled being the children of the employees. The charter school would be managed and operated by the business and/or identified partners. The company charter school would provide the school facility and operational funding. What is not clear is if the school would be considered a public charter school that would access state and local education funds on a per pupil basis.

HB 16 | sought to allow students at magnet schools to participate in extracurricular activities at the school for which they were originally zoned. Introduced by Rep. Brian Prince (HD 127-Augusta), the bill attracted charter school advocates who requested the bill be amended to include charter school students, affording them the opportunity to also participate in extracurricular activities at their zoned traditional public schools.

LEGISLATION THAT FAILED IN 2015 THAT GAE SUPPORTED

HB 100 | changes the date by which a child must reach a certain age in order to be eligible for enrollment in kindergarten. The bill requires that a child must turn five by September 1 for the 2017-2018 school year, and turn five by July 1 for the 2018-2019 school year. The bill passed the House so is alive for its Senate transition in 2016.

HR 765 | Creates a House Study Committee on School Counseling and the Role of School Counselors. This legislation passed only in the House. Expect it to be reestablished in 2016

HB 240 | provides that at least two members of The Department of Community Health Board shall also be members of State Health Benefit Plan. Members of the Board of the SHBP are not current users. This bill would require one retired and one active state employee currently using the plan to sit on the board. In addition, the bill would create an advisory council of retired and active state employees. The Georgia State Retirees Association was the key organization promoting this legislation.

HB 282 | The Former Federal Teacher Fairness Act would allow those who taught in the U.S. Department of Defense Schools and the U.S. Bureau of Prisons to add service time and become eligible to buy into TRS.