



PAGE 2020 Legislative Session Final Report

The 2020 Georgia legislative session stands out for being split due to a global pandemic. When the session opened on January 13, policymakers debated a number of K-12 initiatives including a pay raise for Georgia educators, expanded private school vouchers, and teacher evaluation reform. The session paused in mid-March when much of the country shut down due to the growing public health emergency. When the Georgia legislature resumed in mid-June, the economic landscape was drastically altered due to a profound drop in state revenue. Policymakers met for several weeks and passed a state budget cutting most state agencies, including public education, by 10 percent. Plans for teacher pay raises and new school vouchers were scrapped. Some education-related bills did pass, however.

The summary below encompasses legislation which passed the state House and Senate. Gov. Brian Kemp has 40 days upon conclusion of the General Assembly to sign or veto legislation. Bills which were signed in June became effective July 1 unless another effective date is specified within the legislation. Bills signed between July 1 and August 5 will become law on Jan. 1, 2021, or on the effective date specified. As indicated below, as of July 16, some legislation has already been signed. Legislation which did not pass is ineligible to move forward unless refiled for the 2021 legislative session.

Standardized Testing

Not Yet Signed. PAGE supported the passage of [SB 367](#), sponsored by Senate Education and Youth Committee Chair P.K. Martin (R-Lawrenceville). SB 367 more closely aligns Georgia's assessment program with the federally required testing minimum by removing five of seven tests mandated by state regulation. The bill shortens the length of Georgia Milestones and maximizes instructional time by creating a testing window within the final 25 school days of the academic year. SB 367 also seeks to address locally required testing by allowing the Georgia Department of Education (GaDOE) to conduct an analysis of local assessments. Based on this analysis, GaDOE will identify school districts to assist with identification and elimination of redundant assessments and provide guidance regarding development of locally implemented assessments.

Teacher Evaluations

Not Yet Signed. [HB 86](#), by Rep. Tommy Benton (R-Jefferson), requires school districts to create an evaluation appeals policy. The policy would allow teachers with four or more years of experience who receive summative evaluation ratings of unsatisfactory or ineffective to receive an evaluation review by an independent third party administrator or administrator designated by local administrators. Local appeals policies must include a statement that teachers will not be the subject of any reprisal as a result of filing appeals. Should any reprisal occur, teachers may refer the matter to the Georgia Professional Standards Commission (GaPSC). School districts have until July 1, 2021, to submit their appeals policies to GaDOE and anytime thereafter if material changes are made to local policies.

Signed. [SB 68](#), by Sen. Freddie Sims (D-Dawson), also contains Rep. Benton's evaluation appeal language from HB 86. However, under SB 68, school districts must submit evaluation appeals policies to GaDOE by Aug. 1, 2021. If HB 86 is not vetoed and becomes law, the July deadline in HB 86 will control, as Georgia law stipulates that when two bills conflict, the legislation signed last prevails. Sims' bill became a vehicle for several other pieces of legislation which were added; the original bill incorporates [recommendations from the 2018 Senate Study Committee on Continual Audit Exceptions on Local School Systems](#). Rep. Martin Momtahan (R-Dallas), added language requiring the inclusion of public comment periods at all regular monthly meetings of local boards of education. Public comment periods must be included in posted agendas, and local boards must not require more than 24-hours notice from members of the public who wish to speak. Board chairs retain discretion to limit the length of individual comments and the number of speakers for or against a specific issue. SB 68 also includes language authored by Rep. Kevin Tanner (R-Dawsonville), which reorganizes Georgia's Chief Turnaround Office (CTO), effectively abolishing the program created by legislation Tanner sponsored in 2017.

Teachers Retirement System

Signed. [HB 292](#), also by Benton, who chairs the House Retirement Committee, removes a statutory requirement that the University System of Georgia (USG) make payment to the Teachers Retirement System (TRS) for participants in USG's Optional Retirement Plan (ORP), which was created in 1990. A [2019 state audit](#) indicated USG failed to pay TRS approximately \$600 million. The payments, which ended at the recommendation of a TRS actuary in 2001, were intended to prevent retiree pension costs from being borne by the state or local school districts.

Not Yet Signed. [SB 294](#), by Sen. Ellis Black (R-Valdosta), chair of the Senate Retirement Committee, allows TRS to invest up to five percent of pension funds in alternative investments. When the bill moved through the committee process, Black reported that other Georgia public retirement systems with the ability to invest in alternative investments have produced higher returns from alternatives than from equities and bonds, which comprise TRS's current portfolio.

Insurance Coverage for School Employees

Signed. [HB 888](#), by Rep. Lee Hawkins (R-Gainesville), the “Surprise Billing Consumer Protection Act” is intended to curb surprise billing by out-of-network medical providers at in-network facilities. The legislation applies to State Health Benefit Plan (SHBP) members and covers emergency and non-emergency medical services.

Not Yet Signed. [HB 1125](#), by Rep. Trey Kelley (R-Cedartown), would provide insurance coverage for breast cancer screening for high-risk individuals participating in SHBP, beginning at age 30. These screenings include an annual mammogram or digital breast tomosynthesis as well as an annual MRI scan or breast ultrasound.

Dual Enrollment

Signed. [HB 444](#), by Rep. Bert Reeves (R-Marietta), limits state-funded dual enrollment courses to core courses and eligible Career Technical and Agricultural Education (CTAE) courses, excluding fine arts, electives, and physical education. Dual enrollment hours are capped at 30. The program is limited to 11th and 12th grade students, though a limited allowance is made for some 10th graders. HB 444 does not prevent students from participating in dual enrollment at their own expense. As reported during the legislative committee process, the current annual cost of Georgia’s Move on When Ready program is \$100.8 million. Once implemented HB 444 is expected to reduce dual enrollment costs by about \$17 million each year.

Other Successful Education Related Legislation

- **Not Yet Signed.** [HB 755](#), by Rep. Dave Belton (R-Buckhead), requires school districts to provide locally approved charter schools with annual allotment sheets itemizing state, local, and federal allocations for the upcoming school year.
- **Not Yet Signed.** [HB 855](#), by Rep. Marcus Wiedower (R-Watkinsville), allows for the immediate assessment of students who enter foster care to determine if the students qualify for an individualized education plan (IEP). The students must continue to qualify for IEPs in order to receive services, but the process would begin more quickly in order to address student trauma.
- **Signed.** [HB 957](#), by Rep. Jan Jones (R-Milton), clarifies that educators working in charter schools can participate in the SHBP and allows charter school student residency requirements to be met when students apply or enroll in such schools.
- **Signed.** [HB 993](#), by Rep. Katie Dempsey (R-Rome), eliminates Georgia’s problematic child abuse registry, which lacks procedural safeguards which has inspired legal challenge. When presenting the bill on the House floor, Dempsey mentioned that other reporting systems will serve the purpose of tracking child abuse.

- **Not Yet Signed.** [HB 1090](#), by Rep. Deborah Silcox (R-Sandy Springs), mandates that employers, including schools, provide a paid break of “reasonable time and duration” to allow employees to express breast milk. Employers must provide a private location, other than a restroom, where employees can do so.
- **Signed.** [SB 416](#), by Sen. Jeff Mullis (R-Chickamauga), originally sought to rename the office in Georgia’s technical college system which works with career academies and to establish a director of that office. However, the original language was struck, and SB 416 was modified to reduce legislator pay by 10 percent and reduce the pay of Georgia’s lieutenant governor by 14 percent.
- **Signed.** [SB 430](#), by Sen. Bill Ligon (R-Brunswick), would allow private school and home schooled students to enroll in Career and College Academies in their resident school district if space is available.
- **Not Yet Signed.** [SB 431](#) by Sen. John Wilkinson (R-Toccoa) seeks to define "on-time graduation rate" as the graduation rate of the four-year cohort of students that attend a school continuously from Oct. 1 of the calendar year four years prior to the calendar year of the regular date of graduation of that cohort and graduate on or before that regular date of graduation. The graduation rate defined in SB 431 would not supersede other definitions promulgated by federal, state, or local laws or regulations.

FY 2021 State Budget

The General Assembly approved the [state budget for Fiscal Year 2021](#) (FY 2021), which includes a \$950 million cut to the QBE formula. Though steep, it is a smaller cut than initially expected. The reduced cut comes after Gov. Kemp revised the state revenue estimate, forecasting a loss of \$2.2 billion in FY 2021 instead of \$2.6 billion. This adjustment combined with an infusion of \$250 million in state rainy day funds lowered the cut applied to most state agencies to 10 percent from 11 percent. Lawmakers took a measured approach to developing the budget, keeping cuts to some programs below 10 percent and boosting funds for other programs.

Developed under the guidance of Rep. Terry England (R-Auburn), chair of the House Appropriations Committee, and Sen. Blake Tillery (R-Vidalia), chair of the Senate Appropriations Committee, the FY 2021 budget fully funds enrollment growth and training and experience for educators under the QBE as well as the equalization program, which provides supplemental funds to low-wealth school districts. It also boosts funding for sparsity grants, which send additional dollars to small schools in rural communities. A proposed cut to student transportation was eliminated and serve as a valuable addition because the state covers less than 15 percent of districts’ student transportation costs. Proposed cuts to school nurses and Advanced Placement (AP) exams have also been restored.

Budget Highlights

Additions

- \$141 million for student enrollment growth and educator training and experience
- \$32 million for equalization
- \$32 million for State Commission Charter School supplement
- \$229,109 for charter system grants
- \$927,142 for student transportation enrollment growth
- \$1 million for sparsity grants
- \$220,949 for Regional Education Service Agency (RESA) enrollment growth
- \$303,780 for one AP exam for free and reduced lunch eligible students and one AP science technology engineering or math (STEM) exam per student
- \$20 million in bonds for bus replacement
- \$1.25 million to incentivize districts to purchase of alternative fuel buses
- \$7.8 million in bonds for CTAE equipment
- \$1.1 million in bonds for agricultural education equipment
- \$335.5 million in bonds for school construction and renovation

Cuts:

- \$950 million cut to QBE
- \$2 million cut to CTAE equipment and film and audio equipment grants.
- \$4.2 million cut to Preschool Disabilities Services grants
- \$6.1 million cut to the Georgia Network for Educational and Therapeutic Supports (GNETS)
- \$904,191 cut to differentiated pay for newly-certified math and science teachers
- \$700,000 cut to feminine hygiene grants, remaining funds directed to districts with high percentages of students eligible for free and reduced lunch program
- \$1.5 million cut to RESAs for grants and consulting services
- \$1.1 million cut to Extended Day/Year, Vocational Supervisors, Industry Certification and Youth Apprenticeship Program
- \$400,000 cut from testing for training and outreach on formative instructive practices
- \$5M reduction due to credit for not administering the 2020 Milestones exam

The Chief Turnaround Office is eliminated, a total reduction of \$2.2 million. A portion of these funds—\$700,000—is redirected to the School Improvement Program, which added the work of the CTO to its responsibilities. This reallocation will partially offset an \$800,000 cut to School Improvement.

Funding for other education agencies is also cut. The Governor's Office of Student Achievement (GOSA) will be reduced by nearly half, but core programs are preserved including the Governors Honors Program, the Master Teacher Leadership Academy Growing Readers, and the GA Awards Program.

The lottery-funded pre-kindergarten program will receive an additional \$1.6 million for the teacher supplement and \$160,000 to add two behavioral support specialists to support teachers. It will lose \$268,851 for a research study on the impact of the pre-k program.

Federal funds from the Coronavirus Aid, Relief and Economic Security (CARES) Act were distributed to several education programs including \$2 million to the Georgia Virtual School, \$1.5 million to Youth Camps to offset revenue losses, and \$1.1 million to state schools.

Districts will decide how to manage the \$950 million cut to the QBE by considering whether to implement furloughs, salary adjustments, maintain position vacancies and other cost-cutting measures. Local leaders will make these determinations based on their particular financial circumstances and needs, which vary across the state. They will consider multiple factors including the portion of funding that comes from the state. Some districts rely on state funds for 70 percent or more of their total funding. Districts also differ in the amount of reserve funds they have and the portion of those funds that is unrestricted and available to help offset state cuts.

Another factor local leaders will consider is the [\\$411 million in CARES Act funding distributed to districts](#), a resource several legislators highlighted. The funds are to help districts cover the increased costs they incur due to the COVID-19 pandemic including providing devices to students for remote learning, providing “hot spots” for students who do not have home internet connectivity, school meals, additional academic and mental health support for students negatively affected by the school closures, personal protective equipment, and facility and equipment cleaning. They can also be used to offset budget cuts. The [CARES Act allocated \\$13.5 billion for public schools](#) across the nation. This is valuable but falls far short of the amount experts say schools need to open safely. The Council of Chief State School Officers [estimates](#) that states need at least \$158.1 billion more to open schools safely and provide students necessary supports.

Notable Legislation Which Did Not Pass

Teacher Evaluation Reform

Failed to Pass. [SB 466](#), by Sen. P.K. Martin (R-Lawrenceville), PAGE-supported legislation eliminating the “needs development” rating from the evaluation ratings which trigger loss of teacher certification in Georgia. This change would have removed the punitive nature of the “needs development” rating and enabled schools to better support teachers. Currently, educators who receive two "needs development" ratings in a five-year period may lose certification. SB 466 also proposed a pilot program allowing 10 school districts to create a new educator evaluation system.

Private School Voucher Expansion

Failed to Pass. [SB 386](#), sponsored by Sen. Renee Unterman (R-Buford), PAGE-opposed legislation which sought to expand Georgia's controversial special needs private school voucher program to include foster children and students with 504 plans. If utilizing the voucher, students with 504 plans would have no guarantee of 504 services in private settings.

Failed to Pass. [HB 939](#), by Rep. John Carson (R-Marietta), would have removed the sunset clause on the funding expansion to Georgia's tax credit private school voucher program. The program currently diverts \$100 million annually from Georgia's general fund to private school vouchers.

Homeschoolers in Public School Extracurricular Activities

Failed to Pass. [HB 1055](#), sponsored by House Education Committee Chair Rep. Rick Jasperse (R-Jasper), would have allowed homeschooled students to participate in extracurricular activities at their local public school.

Teachers Retirement System

Failed to Pass. [HB 109](#), by Rep. Benton, sought to limit the amount of accrued sick leave that educators employed after July 1, 2020, could use for retirement purposes. The bill's sick leave provisions would not have impacted current educators, who are able to use all unused sick leave for retirement purposes. The legislation would also limit TRS cost of living adjustments (COLAs) to three percent or less, once annually. Currently, TRS retirees receive a 1.5 percent COLA twice each year.

Failed to Pass. [HB 336](#), by Rep. Shaw Blackmon (R-Bonaire), would have enabled retired educators to return to the classroom full-time after a one-year break if their hiring school district covered the full cost of the employer's and employee's TRS payments. Currently, returning teachers cannot work more than 49 percent while drawing retirement benefits.

Tax Credit for Teachers at Rural & High Needs Schools

Failed to Pass. [HB 736](#), by Rep. Belton, started its legislative journey as a teacher student loan forgiveness program. By the time the bill stalled in the Senate, it had been revised to provide a refundable tax credit of \$3,000 for teachers in rural and high needs schools.

Taxation

Failed to Pass. [HB 882](#), by Rep. Penny Houston (R-Nashville), would have raised Georgia's \$0.37 cigarette tax, which is the third-lowest in the nation, to \$1.35 per pack. The legislation also sought to tax vaping products. Raising Georgia's tax to the national average was expected to generate at least \$500 million in additional state revenue.

Failed to Pass. [HB 1035](#), by Rep. Chuck Martin (R-Alpharetta), sought to generate additional state revenue intended to offset steep cuts to state services by eliminating or reducing state tax credits, deductions, rebates, or other tax expenditures. The legislation was expected to generate about \$227 million.

Failed to Pass. [SB 302](#), by Sen. John Albers (R-Roswell), the “Tax Credit Return on Investment Act of 2020,” would have created an independent evaluation process for state tax expenditures, which are not currently evaluated. These expenditures include tax credits, deductions, rebates and other mechanisms that reduce state revenue. The annual cost of these expenditures is more than \$5.9 billion.

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