

House Bill 340 (AS PASSED HOUSE AND SENATE)

By: Representatives Corbett of the 174th, Ballard of the 147th, Parsons of the 44th, Greene of the 154th, Wilkerson of the 38th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-7-29.21 of the Official Code of Georgia Annotated, relating to
2 tax credits for qualified education donations for the purpose of awarding grants to public
3 schools, so as to provide for a sunset date; to amend an Act relating to education and to
4 revenue and taxation to authorize the Public Education Innovation Fund Foundation to
5 receive private donations to be used for grants to public schools; to provide for grant criteria;
6 to provide for an income tax credit for qualified education donations; to provide for
7 conditions and limitations; to provide for powers, duties, and authority of the state revenue
8 commissioner with respect to such donations, approved April 27, 2017 (Ga L. 2017, p. 100),
9 so as to repeal a sunset provision; to amend Title 20 of the Official Code of Georgia
10 Annotated, relating to education, so as to prohibit the discussion of certain personnel matters;
11 to provide for planning periods for teachers in kindergarten through 12; to provide for a
12 definition; to provide for appeals and arbitration; to provide for related matters; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Code Section 48-7-29.21 of the Official Code of Georgia Annotated, relating to tax credits
17 for qualified education donations for the purpose of awarding grants to public schools, is
18 amended by adding a new subsection to read as follows:

19 "(j) This Code section shall stand repealed and reserved on December 31, 2026."

20 **SECTION 2.**

21 An Act relating to education and to revenue and taxation to authorize the Public Education
22 Innovation Fund Foundation to receive private donations to be used for grants to public
23 schools; to provide for grant criteria; to provide for an income tax credit for qualified
24 education donations; to provide for conditions and limitations; to provide for powers, duties,
25 and authority of the state revenue commissioner with respect to such donations, approved
26 April 27, 2017 (Ga L. 2017, p. 100), is amended by repealing Section 3.

27 **SECTION 3.**

28 Title 20 of the Official Code of Georgia Annotated, relating education, is amended by
29 revising subsection (a) of Code Section 20-2-61, relating to fundamental roles of local boards
30 of education and local school superintendents, as follows:

31 "(a) The fundamental role of a local board of education shall be to establish policy for the
32 local school system with the focus on student achievement. The fundamental role of a
33 local school superintendent shall be to implement the policy established by the local board.
34 It shall not be the role of the local board of education or individual members of such board
35 to micromanage the superintendent in executing his or her duties, but it shall be the duty
36 of the local board to hold the local school superintendent accountable in the performance
37 of his or her duties; provided, however, that requesting and reviewing financial data and
38 documents shall not constitute micromanaging. No individual member shall discuss any
39 individual personnel matter with the superintendent or other school personnel except as

40 provided for in Code Section 20-2-943, Code Section 20-2-989.7, Code Section
 41 20-2-989.8, Code Section 20-2-1160, Code Section 50-14-3, or Code Section 50-14-4 or
 42 as otherwise authorized by law; provided, however, that the mere referral of a personnel
 43 matter to the superintendent shall not be prohibited. Local board of education members
 44 should work together with the entire local board of education and shall not have authority
 45 as independent elected officials but shall only be authorized to take official action as
 46 members of the board as a whole. Nothing in this subsection shall be construed to alter,
 47 limit, expand, or enlarge any powers, duties, or responsibilities of local boards of
 48 education, local board members, or local school superintendents."

49 **SECTION 4.**

50 Said title is further amended by revising Code Section 20-2-218, relating to duty-free lunch
 51 period, exchange of lunch period for compensation or other benefit, length of school day not
 52 affected, exemption for extenuating circumstances, and funding, as follows:

53 "20-2-218.

54 (a) As used in this Code section, the term 'planning period' means a block of time when
 55 a teacher is not responsible for the direct supervision of student safety or conduct or for
 56 providing instruction to students and is responsible for participating in activities that are
 57 part of the established duties of a teacher, including, but not limited to, instructional lesson
 58 design, grading and assessment, data analysis of student achievement, and growing skills
 59 and knowledge in the profession of teaching.

60 (b)(1) Every teacher who is employed in grades kindergarten through five for a period
 61 of time of more than one-half of the class periods of the regular school day shall be
 62 provided a daily lunch period of not less than 30 consecutive minutes, and such employee
 63 shall not be assigned any responsibilities during ~~this~~ such lunch period. Such lunch
 64 period shall be included in the number of hours worked, and no local board of education
 65 shall increase the number of hours to be worked by an employee as a result of such

66 employee's being granted a lunch period under the provisions of this Code section. This
67 duty-free lunch period shall not be calculated under any circumstances as a part of any
68 daily planning period or other noninstructional time.

69 (2) Every teacher who is employed in grades kindergarten through 12 for a period of
70 time of more than one-half of the class periods of the regular school day shall be provided
71 a daily planning period. Such planning period shall be included in the number of hours
72 worked, and no local board of education shall increase the number of hours to be worked
73 by an employee as a result of such employee's being granted a planning period under the
74 provisions of this Code section. This planning period shall not be calculated under any
75 circumstances as a part of any daily lunch period or other noninstructional time.

76 ~~(b)~~(c) Nothing in this Code section shall be construed to prevent any teacher from
77 exchanging that teacher's lunch period or planning period for any compensation or benefit
78 mutually agreed upon by the employee and the local superintendent of schools or such
79 superintendent's agent, except that a teacher and the superintendent or agent may not agree
80 to terms which are different from those available to any other teacher granted rights under
81 this Code section within the individual school or to terms which in any way discriminate
82 among such teachers within the individual school.

83 ~~(c)~~(d) The implementation of this Code section may not result in a lengthened school day.

84 ~~(d)~~(e) If necessary where due to extreme economic conditions or an unforeseen and
85 unavoidable personnel shortage, a local unit of administration may:

86 (1) Require ~~require~~ a teacher otherwise entitled to a duty-free lunch period to supervise
87 students during such lunch period but for no more than one day in any school week; and

88 (2) Require a teacher otherwise entitled to a planning period to supervise students during
89 such planning period but for no more than one day in any school week except when
90 necessary to ensure the safety of students and staff.

91 (f) During planning periods teachers are encouraged to review the school safety plan and
92 incorporate it into lesson plans as appropriate.

93 (e)(g) Notwithstanding any of the foregoing provisions of this Code section to the
94 contrary, nothing in this Code section shall require the General Assembly to appropriate
95 funds for the implementation of the planning period and duty-free lunch program;
96 provided, however, that any such funds appropriated for this purpose shall be used by local
97 school systems for duty-free lunch periods for classroom teachers in grades kindergarten
98 through five and planning periods for classroom teachers in grades kindergarten through
99 12."

100 SECTION 5.

101 Said title is further amended by adding a new Code section to read as follows:

102 "20-14-97.

103 (a) In the event of a dispute between an accrediting agency and a public school or school
104 system regarding the findings and recommendations of an assessment by the accrediting
105 agency, the public school or school system shall have the right to appeal as follows:

106 (1) The public school or school system may appeal the findings and recommendations
107 within 70 days to an accreditation committee established by the State Board of Education
108 for such appeal and may provide evidence in support of such appeal. The accrediting
109 agency's findings and recommendations which are the subject of such appeal shall be
110 suspended from public access or disclosure during the pendency of such appeal and any
111 arbitration or subsequent appeal;

112 (2) The accreditation committee shall work with the parties to seek a resolution; and

113 (3) Should the parties fail to agree to a resolution, the appealing public school or school
114 system shall have the right to submit the dispute to arbitration under the provisions of
115 Part 1 of Article 1 of Chapter 9 of Title 9, the 'Georgia Arbitration Code.' The public
116 school or school system and the accrediting agency shall be the parties to such arbitration.
117 The accrediting agency shall be responsible for the costs of such arbitration.

118 (b) Notwithstanding any other provision of law to the contrary, an arbitrator's decision
119 rendered pursuant to paragraph (3) of subsection (a) of this Code section may be appealed
120 by either party to the State Board of Education, the ruling of which shall be binding on the
121 parties."

122 **SECTION 6.**

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