May 14, 2019

Gov. Kemp Signs Education Legislation Including FY20 Budget; Vetoes School Safety, Recess, and Sovereign Immunity Bills

Gov. Brian Kemp had 40 days after legislators adjourned to sign or veto any legislation passed during the 2019 session of the General Assembly. Legislation that was not yet signed or vetoed before yesterday, Monday, May 13, became law. The effective date of all bills is July 1, 2019, unless otherwise specified within the legislation itself.

Kemp Signs FY20 Budget with $3,000 Raise for Certified Educators

Gov. Kemp signed the FY20 budget in Camila on Friday, May 10, as part of the listening sessions with district leaders conducted by the Governor's Office of Student Achievement (GOSA) and the Georgia Department of Education (GaDOE). The budget includes an adjustment to the state salary schedule to increase educator salaries by $3,000 for certified teachers and certified employees, including school counselors, school social workers, school psychologists, media specialists, special education specialists, and technology specialists, effective July 1, 2019. Other education-related appropriations in the budget include:

- $2 million for facilities grants for charter schools due to legislation passed during the 2017 session
- $2 million to expand the comprehensive Communities in Schools model of wraparound supports to new schools
- $1 million in grants for professional development programs for teachers providing instruction in computer science courses and content per SB 108 (see more on SB 108 below)
- $100,000 for a two-year pilot program to demonstrate and evaluate the effectiveness of early reading assistance programs for students with risk factors for dyslexia per SB 48 (see more on SB 48 below)

- $78,644,980 increase in funds for Equalization grants
- $1 million for additional high school counselors and enriching counselor programs for Title I schools
- $220,000 for systems and schools to reach and maintain industry certification in the field of construction in collaboration with the Construction Education Foundation of Georgia
- $323,000 for life science industry certification to rural school districts in collaboration with Georgia Youth Science and Technology Centers
- $250,000 for cyber security initiatives in high schools across the state
- $3,452,650 transfer of funds from the Governor's Office of Student Achievement (GOSA) to the Georgia Department of Education (GaDOE) to provide one Advanced Placement (AP) exam for low-income students and one AP STEM exam for all students
- Utilize $175,000 in existing funds to support the innovative assessment pilot program established during the 2018 session

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Education Bills Signed by the Governor

The following bills were signed by Gov. Kemp:

SB 9, by Sen. Harold Jones (D-Augusta), a sex crimes bill, incorporates language which originated as part of another bill by Rep. Ed Setzler (R-Acworth) that expands Georgia law regarding educators, school employees, and agents of school systems who engage in sexual relationships with students older than the age of consent. SB 9 creates misdemeanor and felony tiers dependent on the degree of contact between school employees and students.

SB 25, sponsored by Sen. Bill Heath (R-Bremen), requires drivers to stop for school buses that have their stop arms activated on all highways except those divided by a median.

SB 48, sponsored by the new Senate Education and Youth Committee Chair P. K. Martin (R-Lawrenceville), requires the State Board of Education (SBOE) to develop policies for referring K-3 students for dyslexia screening if the students have been identified through the response-to-intervention process. Subject to subsequent appropriations by the General Assembly, SB 48 also requires universal dyslexia screening in kindergarten, beginning in the 2024-2025 school year. The legislation allows the Georgia Professional Standards Commission (GaPSC) to create a dyslexia endorsement program for educators. GaPSC will collaborate with GaDOE to improve and update professional development opportunities for teachers specifically relating to dyslexia. SB 48 also creates a three-year pilot program, beginning in the 2020-2021 school year, to demonstrate and evaluate the effectiveness of early reading assistance programs for students with risk factors for dyslexia.

SB 60, the “Jeremy Nelson and Nick Blakely Sudden Cardiac Arrest Prevention Act," is also sponsored by Sen. Martin. The bill requires schools to provide educational materials about the danger of sudden cardiac arrest to students participating in interscholastic athletic activities, their parents, and their coaches.

SB 67, by Sen. Dean Burke (R-Bainbridge), allows districts to use capital outlay designated funds for schools damaged in natural disasters.

SB 83, sponsored by Sen. Jeff Mullis (R-Chickamauga), expands the Old and New Testament courses currently taught in Georgia public schools – adding aspects of art history, music history, customs, and culture of the Bible, as well as the impact on modern society. Attached to the final version of SB 83 is language from HB 562 by Rep. Robert Dickey (R-Musella). This provision codifies the Realizing Educational Achievement Can

Happen (REACH) Scholarship, a needs-based mentorship and college scholarship program for low-income students.

SB 108, also sponsored by Sen. P. K. Martin, requires computer science courses to be offered in some middle and high schools, beginning in the 2022-2023, and requires such courses to be offered in all high schools by the 2024-2025 school year. The legislation corresponds with a $1 million proposed appropriation in the FY20 state budget for the grants earmarked for educator professional development programs for teachers providing instruction in computer science courses and content.

HB 12, sponsored by Rep. Rick Williams (R-Milledgeville), requires schools to post a sign containing the phone number to receive reports of child abuse.

HB 59, by Rep. Dave Belton (R-Buckhead), allows students with parents in the military to enroll in a school district early when their parent or guardian receives orders. The final version of HB 59 also contains a provision from HB 558 by Rep. Todd Jones (R-South Forsyth). That language allows state charter schools with statewide attendance zones to be considered state agencies for purposes of the Open Meetings Act, thus allowing the schools' governing boards to meet via teleconference.

HB 68, sponsored by Rep. John Carson (R-Marietta), would prevent private school accrediting organizations from operating as student scholarship organizations (SSOs), which serve as pass-through entities for Georgia's tuition tax credit voucher program.

HB 130, by Rep. Randy Nix (R-LaGrange), authorizes the Georgia Foundation for Public Education, which is an entity of the Georgia Department of Education, to qualify as a 501(c)(3).

HB 459, by Rep. Ginny Ehrhart (R-Powder Springs), creates a process to verify school bus drivers' credentials twice annually.

HB 478, by Rep. Mandi Ballinger (R-Canton), provides additional due process protections for educators placed on Georgia's child abuse registry.

HB 527, by Rep. Robert Dickey (R-Musella), reflects an annually required update to weights in Georgia's Quality Basic Education school funding formula.

HB 530, sponsored by Rep. Bill Hitchens (R-Rincon), prohibits parents or guardians from withdrawing a child from a public school to avoid compliance with mandatory attendance, school discipline, parental involvement, or parental responsibility laws. HB 530 stems from a heinous crime in Rep. Hitchens' district in southeast Georgia in which parents removed their children from their local public schools and later murdered the children.

Kemp Vetoes School Safety, Recess, and Sovereign Immunity Bills

The following bills were vetoed by the governor (the bold and italicized text below each bill description is Gov. Kemp's veto statement):

SB 15, by Sen. John Albers (R-Alpharetta), the "Keeping Georgia Schools Safe Act," included recommendations made by the Senate Study Committee on School Safety, which Albers chaired before the 2019 session began. SB 15 contained extensive reporting requirements for schools and required a site threat assessment to be conducted periodically. School leaders would have had a choice regarding providers of the threat assessments, and the assessments would have been used to update school safety plans shared with GaDOE. The bill also would have required safety plan drills and the establishment of a smartphone or digital application by the Georgia Information Sharing and Analysis Center for reporting of suspicious, unsafe, or unlawful activity. SB 15 would have mandated the identification of school safety coordinators tasked with issuing annual reports to their local boards of education, coordinating with state agencies, reporting suspected criminal behavior to local law enforcement, and working with all levels of law enforcement and mental health and social services providers.

Veto Statement: Senate Bill 15 is a well-intentioned piece of legislation, but many

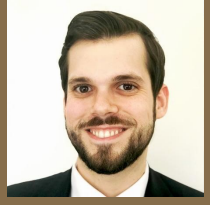
school superintendents, non-partisan advocacy groups, and educators across Georgia have expressed concern over its provisions. These stakeholders agree that this legislation undermines local control, generates an unfunded mandate for school safety coordinators, and places a ministerial duty on school administrators, increasing their exposure to legal liability. In stark contrast, House Bill 30 –the State's Amended 2019 Budget –allocates $69,000,000 in school security grants to every public school and allows local leaders –who best understand the needs and operations of their communities –to decide how to use this funding for safer learning environments. Moving forward, it is important for local leaders to first have an opportunity to utilize state grant funding before imposing additional requirements. The State will continue to invest in the safety of our children by working closely with local officials, parents, and students to ensure a safer, stronger Georgia. For the foregoing reasons, I VETO SENATE BILL15.

HB 83 would have required elementary schools to schedule daily recess for students in K-5, beginning in the 2019-2020 school year. Recess would not have been required on school days when students have physical education or structured activity time. The bill also waived the requirement when "reasonable circumstances" like inclement weather, assemblies, field trips, or lack of field space impeded recess. Schools would have been encouraged to schedule an average of 30 minutes of outdoor recess. Local boards of education (BOEs) would have been required to establish written policies ensuring recess is: a safe experience for students; scheduled so that it provides a break during academic learning; and, not withheld for disciplinary or academic reasons. HB 83 also would have required BOEs to establish written policies regarding unstructured break time for students in grades 6-8.

Veto Statement: Currently, local boards of education hold broad authority to establish recess policies for students in kindergarten through eighth grade. This local control allows school boards to set these policies based on a thorough understanding of day-to-day educational operations as well as regular interaction with administrators, educators, families, and students. House Bill 83 would dramatically restrict this local control, stripping long-held authority from school boards.While I support expanded recess opportunities for Georgia's students, I am a firm believer in local control, especially in education. This legislation would impose unreasonable burdens on educational leaders without meaningful justification. For the foregoing reasons, I VETO HOUSE BILL 83.

HB 311, by Rep. Andy Welsh (R-McDonough), would have removed sovereign immunity protections for state and local governments. Local school districts would have been exempted.

Veto Statement: House Bill 311 would create a waiver of sovereign immunity for claims brought against state government. As Governor Deal correctly stated in his May 3, 2016 veto statement for House Bill 59, "[w]hile the concept of sovereign immunity is relatively simple on its face, it is complex in application..." In considering the possible ramifications of a waiver, it is essential that the provisions be appropriately tailored in conjunction with the executive branch to provide pathways for judicial intervention without unduly interfering with the daily operations of the state. For example, this bill bars claims against the state by individuals in a state mental health facility. Until a workable waiver can be crafted, it is important to note that not all suits against the state are barred. The Supreme Court in Lathrop v. Deal, 301 Ga. 408(2017), Olvera v. Univ. Sys. of Ga.'s Bd. of Regents, 298 Ga. 425 (2016), and Ga. Dep't of Nat. Res. v. Ctr. for a Sustainable Coast, Inc., 294 Ga. 593(2014) has provided a path for suits to be brought against the state. Further, the defense of sovereign immunity is also waived for certain actions, including breach of contract and tort claims against state officers and employees while such individuals are acting within the scope of their official duties of employment. For the foregoing reasons, I VETO HOUSE BILL 311.



Josh Stephens
Legislative Affairs Specialist
jstephens@pageinc.org

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