

GAE's  
Highlights of the  
2018 Legislative Session

Below is a summary of Georgia's 2018 Legislative Session highlighting the most important outcomes for public education. Governor Deal has until May 8, 2018, to sign or veto the bills that passed; after May 8 any passed bills that have not been either signed or vetoed automatically become law. The effective date for all new legislation is July 1, 2018 (unless a different date is specified in the legislation).

The Budget

Perhaps the most significant legislation this Session involves the [FY 2019 budget](#). During the last week of the Session Governor Deal made an incredibly welcomed announcement – \$167 million would be added to the 2019 budget in order to fully fund the QBE (Quality Basic Education) funding formula. This addition to next year's budget eliminates the austerity cuts that have plagued public education for 16 years. The cumulative austerity cut since 2003 is \$9.2 billion. These cuts have required districts to shorten school calendars, increase class sizes, cut programs, and furlough staff. Although the 33-year-old QBE funding formula is outdated and needs reworking in order to adequately meet current fiscal needs, fully funding the existing formula for 2019 is an important step forward in providing school districts with the resources necessary to make sure Georgia's students can thrive.

Unfortunately, the FY 2019 budget did not include a statewide pay increase for Georgia educators. It did, however, include \$351 million for Georgia's Teachers Retirement System.

Other notable budget highlights:

- \$2.2 million to fund the work of the Chief Turnaround Officer (the position created by last year's First Priority Act, [HB 338](#)).
- Additional monies for transportation and \$15 million in bond funds for new school buses.
- \$16 million in bond funds for school facility safety grants.
- \$175,000 for the innovative assessment pilot created by [SB 362](#) (legislation discussed below).
- \$26.7 million in additional dual enrollment funding.

Pro-Public Education Legislation That Passed

One of the most heralded pieces of legislation this Session attempts to reduce testing requirements. The Chair of the Senate Education and Youth Committee, Sen. Lindsey Tippins (Marietta), introduced [SB 362](#). This legislation creates an innovative student assessment pilot program that will allow select school systems to focus on ongoing formative assessments, as opposed to year-end Milestones tests. The intention is for meaningful testing that will help teachers make day-to-day instructional decisions focused on improving student learning. There are currently four systems - Gwinnett, Fulton, Marietta, and a Putnam County/rural system consortium - that are using an in-depth formative assessment system as specified in their flexibility system contracts. Currently these systems have to also adhere to the Milestones testing requirements. The hope is to get waivers from the US Department of Education so that the pilot systems can be exempted from meeting Milestones requirements. Beginning with the 2018-19 school year, school systems interested in participating in the pilot assessment program will

submit applications to the State Board of Education and, using a competitive process, up to ten systems will be selected for the pilot program.

Other positive legislation of note:

- [HB 740](#) (Nix, LaGrange) prohibits the expulsion or suspension of K-3 students for more than five days without schools first providing a multi-tiered system of support, such as Response to Intervention (RTI). The legislation provides an exception for students who possess a weapon, illegal drugs, or other dangerous instrument, or for students whose behavior endangers the physical safety of other students or school personnel.
- [HB 763](#) (Nix, LaGrange) began as a bill requiring that school climate information be included in considerations by student attendance protocol committees. In the final days of the Session, language from [SB 457](#) (Tate, Atlanta) was included in HB 763. SB 457 was a school safety effort promoted initially by a 10th grade student from South Cobb High School, Niles Francis, who testified at the Capitol on behalf of his belief that all schools in Georgia should engage in FEMA-approved safety drills. In addition to these drills, the final bill also includes \$16 million in bond funds for school safety and makes school safety plans exempt from Open Records laws.
- [HB 844](#) (Houston, Nashville) revises provisions relating to the Georgia Commission on Hearing Impaired and Deaf Persons to create a multi-agency task force for the purpose of improving coordination between state agencies in the provision of services to hearing impaired and deaf children from birth through literacy.
- [HB 852](#) (Smith, Marietta) allows a student who has been enrolled in and attended a public school for more than half of the school year, and who moves during the school year to another attendance zone within the same district, to continue to be enrolled in and attend the student's original school.
- [HB 853](#) (Dempsey, Rome), allows student funding to follow a child placed in psychiatric residential treatment pursuant to a physician's orders, so that the facility may not charge tuition.
- [SB 3](#) (Tippins, Marietta), known as the CONNECT Act (Creating Opportunities Needed Now to Expand Credentialed Training), seeks to increase the number of students graduating career-ready by providing opportunities to earn certain industry credentials.
- [SB 401](#) (Tippins, Marietta) adds additional transparency and accountability to the growing dual enrollment program. It also requires career oriented aptitude assessments in school counseling considerations/graduation plans and mandates a survey by the Department of Education on school counselor roles. In the final days of the Session SB 401 was amended to include a mandate that students in grades K-9 receive annual age-appropriate sexual abuse and assault awareness and prevention instruction.

## Legislation Negatively Affecting Public Education

Two pieces of legislation passed this year that each negatively impact funding available for public education. The first bill, [HB 217](#) (Carson, Marietta), was a hold-over from the 2017 Session. This bill increases the annual cap on the private school voucher program. Georgia's private school tax credit program allows eligible private citizens and corporations to receive dollar-for-dollar tax credits for donations to private organizations which in turn provide scholarships for students to attend private schools. Currently the cap on this program is \$58 million annually. HB 217 sought to increase the annual cap to \$100 million. During the 2017 Session the House and Senate could not agree on the bill's provisions and the legislation was sent to a conference committee, thus staying alive for the 2018 Session.

In both 2017 and again this year, GAE joined all public education advocates in vocal opposition to this increase because it diverts needed revenues from the state budget. Every tax dollar which goes to this voucher program is diverted from the general state budget and thus represents dollars lost to the funding of public education. To date, this program has diverted more than \$500 million in state tax dollars from the state treasury to private organizations in order to send students to private schools. The program lacks transparency and accountability. (For an excellent analysis of this program, and other Georgia vouchers, see this [report](#) by the Georgia Budget & Policy Institute.)

Unfortunately, the conference committee report was released and quickly adopted by both chambers on the last day of the 2018 Session. It provides for an increase in the annual cap to \$100 million. The only good news is that this cap now includes no annual escalator and there are some new, and positive, accountability provisions. The \$100 million cap will sunset in 2028. Additionally, HB 217 also lengthened the sunset of the public school tax credit created in 2017 by [HB 237](#). The Public Education Innovation Fund Foundation created by HB 237 can now collect donations until 2023 (previously 2020). These funds are to be used for grants to low-performing public schools.

The second piece of legislation that negatively impacts funding for traditional public schools is [HB 787](#) (Hilton, Peachtree Corners) which provides significantly increased funding to state charter schools by changing the funding formula for these schools. The fiscal note on this controversial legislation estimated that it will cost \$17 million annually to provide the additional funds to these schools. The Chair of the Senate Education and Youth Committee, Sen. Lindsey Tippins, noted that passage of this bill would result in these state charter schools receiving more funding than many traditional public schools. Sen. Tippins proposed a substitute bill which would allow the additional funding only to those state charter schools that perform at or above statewide student achievement targets. Unfortunately, although this substitute passed Sen. Tippins' committee it failed in the full Senate and the final bill mirrors the original. The only positive of the legislation is that, as passed, HB 787 also includes provisions of [SB 405](#) (Millar, Atlanta) creating a needs-based grant program for post-secondary students.

## Failed Legislation

During the 2018 Session GAE closely followed and advocated against [HB 482](#) (Cantrell, Woodstock), this year's voucher bill. Vouchers can be implemented in numerous ways, such as through tax credits (see HB 217 above) or through what is known as "Education Savings Accounts (ESA)." HB 482 was an ESA voucher bill and was strongly opposed by GAE.

On Day 28 of the Session, “Crossover Day,” HB 482 was placed on the House Rules Committee calendar at 2 pm. GAE and other public education advocates, at the Capitol and from afar, worked quickly to convince legislators to rise in support of public education and vote “no” on vouchers. HB 482 came to the floor of the House after midnight that same day. In a show of bipartisan support for public education, two Republicans, Rep. Tommy Benton (Jefferson) and House Education Chair Brooks Coleman (Duluth), went to the well to speak against the bill. Two Democrats, Rep. Rhonda Burnough (Riverdale) and Rep. Brenda Lopez (Norcross), delivering the Minority Report, also went to the well in opposition. Only one legislator, Rep. Valencia Stovall (D-Forest Park), joined the bill’s sponsor, Rep. Wes Cantrell, in speaking in support of the bill. HB 482 was defeated 102 – 60.

As a final note on vouchers, as a direct result of the defeat of HB 482 a study committee on “Education Options” was appointed by House Education Committee Chair Coleman. The charge to this group is to “explore the use of flexibility in using tax dollars for ‘other’ education options, particularly for students in underperforming schools.” GAE will closely watch this committee and the potential expansion of vouchers.

GAE was also closely monitoring [HB 903](#) (Maxwell, Dallas), a bill which would have limited Cost of Living Adjustments (COLA) for some Teachers Retirement System (TRS) members. Rep. Maxwell maintained that his intent, in bringing HB 903, was to start a conversation about TRS and associated costs. There was also, late in the Session, a pension hearing at a House Budget and Fiscal Oversight Affairs Committee meeting. The committee heard a presentation, “The Case for Reforming Teacher’s Retirement System” from the Reason Foundation, a libertarian think tank. Rep. Chuck Martin (Alpharetta), the committee chair, opened and closed the meeting with an affirmation of the state’s commitment to honor and protect benefits promised to teachers and retirees. His stated concern is the amount of interest paid on the unfunded liability debt. Evidence presented shows that the Teacher Retirement System of Georgia is in very good health, so any real concern about the future is unwarranted. However, costs and how the Actuarially Required Contribution (ARC) is fully funded will continue to be an issue; going forward there is a continued need for attention and a real opportunity for educators to offer insights that help to constructively drive this conversation. Although there was no legislative action taken with regard to HB 903 during the 2018 session, the activity around pension reform signals that this is a potential issue for next year. As always, GAE will keep its members informed of any action on this issue.

One bill that GAE supported but that failed to become law this year was [SB 30](#) which was initially sponsored by Sen. Fort (Atlanta). This year, following Sen. Fort’s departure from the legislature, SB 30 was presented to the House Education Committee by Sen. Nan Orrock (Atlanta). SB 30 would have created a grant process to fund a pilot program implementing Community School initiatives. Recognizing the proven impact of the Community Schools model on student achievement, GAE supported this bill and provided crucial testimony during several committee hearings. GAE will continue to work on building awareness around the issue of community-driven strategies for improving struggling schools.

Other notable legislation that failed:

- [HB 273](#) (Douglas, Stockbridge) provided for a scheduled, daily 30-minute recess in grades K-5.
- [HB 759](#) (Turner, Holly Springs) changed public school attendance requirements for Georgia's special education voucher eligibility to provide a one-time waiver for the prior year attendance requirement for students who previously qualified for the scholarship.

## Changes to the Landscape

The 2019 Session promises to provide new challenges for public education. Longtime House Education Chair Brooks Coleman is retiring. Additionally, on the last day of the Session the Senate Education and Youth Committee Chair Lindsey Tippins announced, quite unexpectedly, that he is relinquishing his chairmanship. The uncertainty of new appointments to these pivotal positions, combined with a new Governor and Lt. Governor, has created concern on the part of many public education advocates. We at GAE are grateful for the many years of dedicated leadership by Chairman Coleman and Chairman Tippins, and truly mourn their leaving as they both were true champions for public education.

We hope GAE members will stay tuned for legislative updates; your voices will be needed now, more than ever.