

20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice:

(a) As used in this Code section, the term "bullying" means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or

(3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:

(A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

(5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A statement prohibiting retaliation following a report of bullying; and

(7) Provisions consistent with the requirements of subsection (b) of this Code section.

(d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

(f) Nothing in this Code section or in the model policy promulgated by the Department of Education shall be construed to require a local board of education to provide transportation to a student transferred to another school as a result of a bullying incident.

(g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

O.C.G.A. 20-2-161 (2010)

20-2-161. Quality Basic Education Formula

(a) The high school general education program is declared to be the base program against which the cost of all other instructional programs shall be compared. The amount of funds needed by each full-time equivalent student in the base program, in order that such program can be sufficiently funded to provide quality basic education to all enrolled students, shall be known as the "base amount" and shall reflect program components which constitute the program weight for the high school general education program in Code Sections 20-2-182 through 20-2-186. However, the General Assembly shall annually establish through the General Appropriations Act the base amount to be used each year. In the event that the base amount so established when multiplied by the program weights in subsection (b) of this Code section requires funds in excess of the appropriation for the Quality Basic Education Formula grants, the funds which are appropriated for the Quality Basic Education Formula shall be prorated to each of the Quality Basic Education Formula cost categories.

(b) As the cost of instructional programs varies depending upon the teacher-student ratios and specific services typically required to address the special needs of students enrolled, state authorized instructional programs shall have the following program weights and teacher-student ratios:

(1) Kindergarten program.....1.6587

weight and

1 to 15

ratio

(2) Kindergarten early intervention program.....2.0496

weight and

1 to 11

ratio

(3) *Primary grades program (1-3).....1.2855*

weight and

1 to 17

ratio

(4) *Primary grades early intervention program (1-3).....1.8029*

weight and

1 to 11

ratio

(5) *Upper elementary grades program (4-5).....1.0323*

weight and

1 to 23

ratio

(6) *Upper elementary grades early intervention
program (4-5).....1.7971*

weight and

1 to 11

ratio

(7) Middle grades program (6-8).....1.0162

weight and

1 to 23

ratio

(8) Middle school program (6-8) as defined
in Code Section 20-2-290.....1.1213

weight and

1 to 20

ratio

(9) High school general education program (9-12).....1.0000

weight and

1 to 23

ratio

(10) Vocational laboratory program (9-12).....1.1847

weight and

1 to 20

ratio

(11) Program for persons with disabilities:

Category I.....2.3940

weight and

1 to 8

ratio

(12) Program for persons with disabilities:

Category II.....2.8156

weight and

1 to 6.5

ratio

(13) Program for persons with disabilities:

Category III.....3.5868

weight and

1 to 5

ratio

(14) Program for persons with disabilities:

Category IV.....5.8176

weight and

1 to 3

ratio

(15) Program for persons with disabilities:

Category V.....2.4583

weight and

1 to 8

ratio

(16) Program for intellectually gifted students:

Category VI.....1.6673

weight and

1 to 12

ratio

(17) Remedial education program.....1.3128

weight and

1 to 15

ratio

(18) Alternative education program.....1.6025

weight and

1 to 15

ratio

(19) *English for speakers of other languages (ESOL) program.....2.5306*

weight and

1 to 7

ratio

(c) For purposes of calculating the annual allotment of funds to each local school system, the program weights may be carried to as many additional decimal places as needed and may be varied from the weights stated in subsection (b) of this Code section, consistent with cost-of-living adjustments granted by the General Assembly for salaried and nonsalaried components, by not more than 1 1/2 percent.

(d) The total funds needed for the Quality Basic Education Program for each local school system shall be calculated annually. Such total shall represent the product of the following calculations for each of the programs identified in subsection (b) of this Code section:

(1) Multiply the average full-time equivalent program count pursuant to subsection (b) of Code Section 20-2-160 by the respective program weight established in subsection (b) of this Code section;

(2) Multiply the product computed in paragraph (1) of this subsection by the base amount as established in the General Appropriations Act; and

(3) Add the product computed in paragraph (2) of this subsection to the program

adjustment amount for training and experience for the instructional program in accordance with subsection (e) of this Code section.

The process and associated components contained within this Code section shall be known as the "Quality Basic Education Formula."

(e) The State Board of Education shall annually calculate for each instructional program provided for in subsection (b) of this Code section for each local school system the amount of additional funds needed beyond the amounts reflected in the base amount and the program weights, in order to pay the state minimum salaries pursuant to Code Section 20-2-212. The calculation of such additional amount shall be based on all certificated professional personnel who were employed by the local school system as of the month of October for the most recent year that these data are available; provided, however, that the amount needed for training and experience for personnel funded through categorical grants shall only be included in the appropriate categorical grant. The amount shall be reported for each program identified in subsection (b) of this Code section for each full-time equivalent program count date and by segment of the school day and for each categorical program. Such additional amount shall be known as "program adjustment amount for training and experience" and this amount shall be noted in total in the language section of the General Appropriations Act each year.

(f) As the relative costs of the various program components will change over time and as some components will need to be added or removed, the Governor shall appoint a task force every three years for the purposes of reviewing the effectiveness of existing program weights and recommending to the General Assembly any changes needed. This task force shall be comprised of members or staff of the General Assembly, the State Board of Education, the Governor's office, and representatives of local school systems.

O.C.G.A. 20-2-260 (2010)

20-2-260. Capital outlay funds generally

(a) It is declared to be the policy of the State of Georgia to assure that every public school student shall be housed in a facility which is structurally sound and well maintained and which has adequate space and equipment to meet each student's instructional needs as those needs are defined and required by this article.

(b) As used in this Code section, the following words or terms shall have the following meanings:

(1) "Addition" refers to square footage of room floor space for instructional or other purposes added to an existing educational facility, whether physically connected thereto or a separate structure located on the same site.

(2) "Annual debt service" is defined as expenditures for the annual retirement of debt for capital outlay construction projects for educational facilities and shall include the interest on the principal as well as the principal of the debt.

(3) "Capital outlay" includes, but is not necessarily limited to, expenditures which result in the acquisition of fixed assets, existing buildings, improvements to sites, construction of buildings, construction of additions to buildings, retrofitting of existing buildings for energy conservation, and initial and additional equipment and furnishings for educational facilities.

(4) "Construction project" refers to the construction of new buildings, additions or expansion of existing buildings, relocation of existing buildings or portions thereof, renovation or modernization of existing buildings or structures, and procedures and processes connected thereto, related to educational facilities.

(5) "Educational facilities" shall include buildings, fixtures, and equipment

necessary for the effective and efficient operation of the program of public education required by this article, which, without limiting the generality of the foregoing, shall include classrooms, libraries, rooms and space for physical education, space for fine arts, restrooms, specialized laboratories, cafeterias, media centers, building equipment, building fixtures, furnishings, related exterior facilities, landscaping and paving, and similar items which the State Board of Education may determine necessary. The following facilities are specifically excluded: swimming pools, tracks, stadiums, and other facilities or portions of facilities used primarily for athletic competition and the central and area administrative offices of local units of administration.

(6) "Educational facilities survey" is defined as a systematic study of present educational facilities and a five-year forecast of future needs.

(7) "Entitlement" refers to the maximum portion of the total need that may be funded in a given year.

(7.1) "Exceptional growth" means that growth experienced by an exceptional growth system under the calculations specified in subparagraph (j)(2)(A) of this Code section.

(8) "Full-time equivalent student count" is defined as the average of the two full-time equivalent counts pursuant to subsection (d) of Code Section 20-2-160 for a school year.

(9) "Local funds" refers to funds available to local school systems from sources other than state and federal funds except any federal funds designed to replace local tax revenues.

(10) "Local school system's 1 percent local sales tax wealth" is defined as the funds in dollars generated or which could be generated during the year by a 1 percent sales tax.

(11) "Local wealth factor" is defined as the average of the property tax wealth

factor and the sales tax wealth factor. The property tax wealth factor is determined by dividing the local school system's net equalized adjusted property tax digest per weighted full-time equivalent student by the state-wide net equalized adjusted property tax digest per weighted full-time equivalent student. The sales tax wealth factor is determined by dividing the local school system's 1 percent local sales tax wealth per weighted full-time equivalent student by the state-wide 1 percent sales tax wealth per weighted full-time equivalent student.

(12) "Net equalized adjusted property tax digest" is defined as the equalized adjusted property tax digest furnished pursuant to Code Section 48-5-274, reduced in accordance with paragraphs (1) and (2) of subsection (a) of Code Section 20-2-164.

(13) "Physical education facility" is defined as any facility which is designed for an instructional program in physical education and shall exclude any spectator stands, lobbies, public restrooms, concession areas, or space normally identified to serve only the interscholastic athletic program in which the school may participate.

(14) "Renovation" or "modernization" or both refers to construction projects which consist of the installation or replacement of major building components such as lighting, heating, air-conditioning, plumbing, roofing, electrical, electronic, or flooring systems; millwork; cabinet work and fixed equipment; energy retrofit packages; or room-size modifications within an existing facility, but excluding routine maintenance and repair items or operations.

(15) "Required local participation" is defined as the amount of funds which must be contributed by local school systems from local funds for each construction project.

(16) "Unhoused students" is defined as those students who are not housed in school facilities which are structurally sound with adequate space as defined by the state board.

(17) "Weighted full-time equivalent student count" is defined as the most recent weighted full-time equivalent count as defined in paragraph (8) of subsection (a) of Code Section 20-2-165.

(c) The State Board of Education shall adopt policies, guidelines, and standards, pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," that meet the requirements specified in this Code section. The state board's responsibilities shall include the following:

(1) To adopt policies, guidelines, and standards for the annual physical facility and real property inventory required of each local school system. This inventory shall include, but not be limited to: parcels of land; number of educational facilities; year of construction and design; size, number, and type of construction space; amount of instructional space in permanent and temporary buildings; designations for each instructional space in permanent and temporary buildings occupied by designated state approved instructional programs, federal programs, or local programs not required by the state; local property assessment for bond purposes; outstanding school bonds and annual debt service; and buildings and facilities not in use or rented or leased to individuals or other agencies of government, or used for other than instructional programs required by this article, each identified by its current use. Department of Education staff shall annually review, certify the accuracy of, and approve each local school system's inventory;

(2) To adopt policies, guidelines, and standards for the educational facilities survey required of local school systems. The educational facilities survey shall be initiated by written request of a local board of education. The request may suggest the number of teams and the individuals constituting such teams to participate in the survey. However, it shall be the responsibility of the Department of Education to constitute the makeup of the necessary teams. Said teams shall exclude local residents; employees of the local board of education, the servicing regional educational services agency, and other educational centers and agencies servicing the local board; and individuals deemed unacceptable by the local board. The state board shall establish and maintain qualification standards for participants of survey teams. Each educational facilities survey shall include,

but not be limited to, an analysis of population growth and development patterns; assessment of existing instructional and support space; assessment of existing educational facilities; extent of obsolescence of facilities; and recommendations for improvements, expansion, modernization, safety, and energy retrofitting of existing educational facilities. The Department of Education staff shall review and certify as to the accuracy of each educational facilities survey. The state board shall approve or reject the recommendations of the survey team and shall establish appeal procedures for rejected surveys;

(3) To adopt policies, guidelines, and standards for educational facilities construction plans. Local school system facilities construction plans shall include, but not be limited to, a list of construction projects currently eligible for state capital outlay funds, if any; educational facilities projected for abandonment, if any; educational facilities projected as needed five years hence; proposed construction projects for modernization, renovation, and energy retrofitting; proposed construction projects for the purpose of consolidating small, inefficient educational facilities which are less than the minimum size specified in subsection (q) of this Code section; and other construction projects needed to house the instructional programs authorized by provisions of this article;

(4) To adopt uniform rules, regulations, policies, standards, and criteria respecting all location, construction, equipping, operating, maintenance, and use of educational facilities as may be reasonably necessary to assure effective, efficient, and economical operation of the schools and all phases of the public education program provided for under the provisions of this article. Such matters shall include, but not be limited to, the method, manner, type, and minimum specifications for construction and installation of fixtures and equipment in educational facilities; space requirements per student; number and size of classrooms; allowable construction costs based on current annual construction cost data maintained by the Department of Education; and other requirements necessary to ensure adequate, efficient, and economical educational facilities. The state board shall adopt policies or standards which shall allow renovation costs up to the amount of new construction of a replacement facility, provided that the renovated facility provides comparable instructional and supportive

space and has an extended life comparable to that of a new facility. Except for satisfying the most recent life safety codes, facilities which are undergoing renovation, modernization, or additions shall otherwise meet requirements applicable to them prior to renovation, modernization, or additions, provided that such additions do not increase the student capacity of the facility substantially above the capacity for which it was designed;

(5) To develop a state-wide needs assessment for purposes of planning and developing policies, anticipating state-wide needs for educational facilities, and providing assistance to local school systems in developing educational facilities plans. The state-wide needs assessment shall be developed from, among other sources, vital statistics published by the Department of Community Health, census data published by the Bureau of the Census, local school system educational facilities and real property inventories, educational facilities surveys, full-time equivalent student projection research, and educational facilities construction plans; shall reflect circumstances where rapid population growth is caused by factors not reflected in full-time equivalent student projection research; and shall give priority to elementary school construction. In addition, the state board shall develop a consistent, systematic research approach to full-time equivalent student projections which will be used in the development of needs within each local unit. Projections shall not be confined to full-time equivalent resident students but shall be based on full-time equivalent student counts which include full-time equivalent nonresident students, whether or not such full-time equivalent nonresident students attend school pursuant to a contract between local school systems. The full-time equivalent projection shall be calculated in accordance with subsection (m) of this Code section. The survey team will use such projections in determining the improvements needed for the five-year planning period. The state board shall also develop schedules for allowable square footage and cost per square foot and review these schedules annually. The cost estimate for each recommended improvement included in the plan shall be based on these schedules. Any increase in cost or square footage for a project beyond that allowed by state board schedules for such projects shall be the responsibility of the local school system and shall not count toward present or future required local participation. The schedules for allowable square footage

and cost per square foot shall be specified in regulations by the State Board of Education;

(6) To adopt policies, standards, and guidelines to ensure that the provisions of subsections (e), (f), (g), (h), (i), (j), and (k.1) of this Code section relating to uses of state capital outlay funds, state and local share of costs, entitlements, allocation of capital outlay funds, advance funding for certain construction projects, exceptional growth construction projects, and consolidation of schools across system lines are carried out;

(7) To review and approve proposed sites and all architectural and engineering drawings and specifications on construction projects for educational facilities to ensure compliance with state standards and requirements, and inspect and approve completed construction projects financed in whole or in part with state funds, except construction projects under supervision of the Georgia State Financing and Investment Commission. The state board may designate selected local units of administration which have staff qualified for such purposes to act on behalf of the Department of Education in such inspections, when the project is not under the direction of the Georgia State Financing and Investment Commission;

(8) To coordinate construction project reviews with the state fire marshal's office and the Department of Community Health;

(9) To provide procedures whereby local school systems may revise their educational facilities plans or the priority order of construction projects requested to reflect unforeseen changes in locally identifiable needs, which revisions shall be approved by the State Board of Education, providing that such revisions meet state and local building codes, fire marshal certification, architectural requirements, and minimum size requirements under subsection (q) of this Code section; and

(10) To adopt uniform rules, regulations, policies, standards, and criteria respecting all location, construction, equipping, operating, maintenance, and use

of education facilities which are used as schools and that are historic landmarks and which are registered as historic landmarks with the National Register of Historic Places or the Georgia Register of Historic Places or are certified by the state historic preservation officer as eligible for such registration and the expenditure of capital outlay funds otherwise available to a school system for such purposes.

(d) In order to qualify for and receive state capital outlay funds in accordance with provisions of subsections (g) and (h) of this Code section, each local school system must meet the following conditions and requirements:

(1) Prepare and annually update the real property inventory in accordance with provisions of subsection (c) of this Code section;

(2) Complete a local educational facilities plan in accordance with provisions of subsection (c) of this Code section. Each proposed construction project shall be identified according to the purposes for capital outlay funds as provided in subsection (e) of this Code section. Each local school system shall specify the order of importance of all proposed construction projects, giving priority to elementary school construction projects. When two or more local school systems agree on the need for a consolidation project pursuant to subsection (e) of this Code section, the estimated construction cost shall be prorated to the participating local school systems and included with their identification of needs in accordance with the proportion of the number of students to be served from each local school system;

(3) Prepare and annually update the local educational facilities needs in accordance with provisions of subsection (c) of this Code section;

(4) Complete a comprehensive educational facilities survey at least once every five years in accordance with provisions of subsection (c) of this Code section in order to formulate plans for educational facilities to house adequately the instructional program authorized by this article. Prior to initiating the survey, the local school system must file a written request with the State Board of Education

that a survey be done in its behalf and recommending the individuals who will conduct it. The cost of the survey shall be paid from local funds;

(5) Submit requests for capital outlay funds to the Department of Education;

(6) Submit descriptions of proposed educational facility sites and all architectural and engineering drawings and specifications for educational facilities to the Department of Education for review and approval in accordance with provisions of subsection (c) of this Code section;

(7) Revise the local educational facilities plan and priority order of requested construction projects in accordance with provisions of subsection (c) of this Code section;

(8) Provide required local participation; and

(9) The Bryan County and Laurens County school systems shall be considered sparsity systems under Code Section 20-2-292 due to barriers which divide each of the systems for the purpose of capital outlay funding. The State Board of Education shall not apply base size criteria or require other criteria under Code Section 20-2-292 to Bryan County and Laurens County when qualifying requested construction projects under this Code section.

(e) State capital outlay funds for educational facilities appropriated in accordance with provisions of this Code section shall be used for the following purposes:

(1) To provide construction projects needed because of increased student enrollment or exceptional growth or to replace educational facilities which have been abandoned or destroyed by fire or natural disaster and which shall consist of new buildings and facilities on new sites or new additions to existing buildings and facilities, or relocation of existing educational facilities or portions thereof to different sites;

(2) To provide construction projects to renovate, modernize, or replace

educational facilities in order to correct deficiencies which produce educationally obsolete, unsafe, inaccessible, energy inefficient, or unsanitary physical environments;

(3) To provide construction projects for new additions to existing educational facilities or relocation of existing educational facilities or portions thereof to different sites in order to house changes in the instructional program authorized and funded under provisions of this article or new educational facilities on new sites or new additions to existing ones as a result of internal population shifts or changes in attendance zones within the local school system;

(4) To provide construction projects to consolidate educational facilities which have fewer pupils than required for the minimum school population specified in subsection (q) of this Code section or which are too expensive to renovate or modernize due to obsolescence or location and which shall consist of new educational facilities on new sites, new additions to existing sites, or relocation of existing educational facilities or portions thereof to different sites;

(5) To provide construction projects to consolidate the total student populations in elementary, middle, or high schools across local school system lines. In such projects, there shall be no requirement to include a vocational wing as defined within the high school structure but neither shall such vocational wing be excluded for funding purposes;

(6) To reimburse local school systems for current principal payments on local indebtedness for state approved construction projects for educational facilities. No local school system may request funds for the purposes of this paragraph unless and until all construction projects identified in its construction plan for the purposes of paragraphs (1) through (5) of this subsection have been completed;

(7) To provide construction projects to renovate or modernize facilities which are historic landmarks and are registered as historic landmarks with the National Register of Historic Places or the Georgia Register of Historic Places or are certified by the state historic preservation officer as eligible for such registration

in order to correct deficiencies which produce educationally obsolete, unsafe, inaccessible, energy inefficient, or unsanitary physical environments; provided, however, that local school boards shall be required to use the facility which is or is eligible to be a historic landmark as a public school. Notwithstanding any other provisions of this Code section and without regard to location or obsolescence, the state board shall allocate funds to renovate and modernize historic landmark facilities which meet the requirements of this paragraph in an amount which is the lesser of the cost of new construction to replace the historic landmark or the actual cost of such renovation and modernization; provided, however, that the renovated facility has an extended life comparable to that of a new facility; and provided, further, that the local school system shall provide the remaining necessary capital outlay funds to renovate the facility in accordance with all other requirements of this Code section. No lottery proceeds shall be appropriated from the Lottery for Education Account to fund any project or purpose authorized by this paragraph;

(8) To provide construction projects that serve cooperative efforts between local school systems and postsecondary institutions; and

(9) To provide construction projects that use prototypical designs approved by the Georgia State Financing and Investment Commission, including designs which incorporate elements that create a quality learning and teaching environment.

(f) The state and each local school system shall provide capital outlay funds for educational facilities in accordance with this subsection as follows:

(1) The required local participation shall be no more than 20 percent nor less than 8 percent of the eligible project cost as determined by the local ability ratio. The local ability ratio is determined by multiplying the local wealth factor by 20 percent. At the time a local school system applies to use entitlement earnings, a system may earn an additional 2 percent reduction in the required local participation for each new construction project that uses a Georgia State Financing and Investment Commission prototypical design with the project

managed under the direction of the Georgia State Financing and Investment Commission. Regardless of the above, no local school system's required local participation shall be less than 6 percent nor greater than 20 percent of the cost of an eligible construction project except as provided in paragraph (2) of this subsection; and

(2) The state shall participate in no more than 25 percent of the cost of construction projects related to damage to educational facilities caused by fire or natural disaster.

(g)(1) In order to determine a reasonable total funding level for the purposes stated in subsection (e) of this Code section, excluding funds provided for exceptional growth pursuant to subsection (j) of this Code section, and to establish a fair and equitable distribution of funds to local school systems, the State Board of Education shall annually determine a level of authorization. Starting with fiscal year 2003 applications for funds and for each fiscal year thereafter, the new authorization level may equal zero but shall not exceed \$200 million, adjusted annually to reflect the changes in the current annual construction cost data maintained by the Department of Education pursuant to paragraph (4) of subsection (c) of this Code section. For purposes of deliberations with the Governor and the General Assembly regarding the amount of state funds to be appropriated, calculations shall be made for at least three levels below the \$200 million maximum authorization, adjusted as specified in this paragraph.

(2) In setting the annual authorization level under this subsection, the state board shall consider any previously authorized but unfunded amounts together with the total estimate of funds needed for school facilities in the state. Such total state facilities needs pursuant to this subsection shall be computed by summing the following:

(A) The total facility improvement needs included in the most recent five-year educational facilities plan, excluding exceptional growth construction projects which shall be requested under subsection (j) of this Code section, which has been reviewed by a survey team and approved by the state board. Such needs

shall annually be adjusted downward for projects financed by either state or local funds and shall annually be adjusted upward or downward to reflect changes in the full-time equivalent student counts but shall not be otherwise adjusted upward except upon approval of a new or revised five-year plan pursuant to subsections (c) and (d) of this Code section; and

(B) The sum of the annual debt service payments for the five-year period of the latest survey (that used in subparagraph (A) of this paragraph), excluding payments for postsecondary facilities, athletic facilities, administrative facilities, or other projects not included in the approved five-year plan pursuant to subsections (c) and (d) of this Code section. Such payments shall annually be adjusted upward or downward for the remaining portion of the five-year period for changes in the annual debt service payments resulting from local financing of projects covered by the state board approved plan.

(3) Each local school system shall be entitled to a portion of the total authorization set by the state board annually under this subsection based on the ratio of that local school system's needs as computed in paragraph (2) of this subsection to the total of all local school systems' needs. In addition to the annual entitlement, the local school system is eligible to receive any entitlement accrued from previous years for which state funds have not yet been received. Any change in the method of determining entitlements in subsequent years shall in no way affect the amount of previously accrued entitlements.

(4) In order to determine the amount of state funds to be requested for a given fiscal year under this subsection, total new and accrued entitlements must be compared to the state portion of the current cost estimates of the projects approved in the educational facilities plan in priority order. Such comparison shall be made for each of the incremental entitlement levels required in paragraph (1) of this subsection. In the event that projects requested for funding exceed the total state entitlements and required local participation, local school systems may elect to contribute additional local funding. Local funds contributed in excess of required local participation on state eligible project costs may be credited toward earning entitlement for state eligible project costs pursuant to subparagraph (B)

of paragraph (2) of this subsection to the extent of the state eligible needs identified in the local facilities plan. The State Board of Education shall adopt rules that define the conditions and the extent of the crediting of local funds contributed toward such entitlement.

(5) The final level of entitlements actually authorized by the state board for a fiscal year shall be that level which is consistent with the Appropriations Act for that year.

(h) A local school system may receive state capital outlay funds for one construction project under the advance funding category to meet educational facilities needs due to the following:

(1) Extraordinary growth of student population in excess of the capacity of existing facilities;

(2) Destruction of or damage to educational facilities by fire or natural disaster, limited by the provisions of paragraph (2) of subsection (f) of this Code section;

(3) Replacement of educational facilities which have been certified as hazards to health or safety;

(4) Projects, in priority order, which would otherwise require more than three years of the combined annual entitlement and required local participation amounts, estimated in accordance with the total entitlement intended for authorization by the State Board of Education; and

(5) Projects for consolidation of schools across local school system lines which have costs that exceed the combined annual entitlements of the participating local school systems. Such projects shall meet, with the exception of paragraph (2) of this subsection, the following conditions to qualify for advanced funding:

(A) The local school systems have specifically requested funding under this subsection prior to submission of the annual budget request for the state board to

the General Assembly;

(B) Annual entitlements accrued under subsection (g) of this Code section have offset any advanced funding previously granted, except that no more than three years of combined entitlements of the participating local school systems shall be required to offset advance funding for consolidation projects pursuant to paragraph (5) of subsection (e) of this Code section;

(C) The projects to be funded are not in addition to projects funded for local school systems under the provisions of subsection (g) of this Code section in a given year; and

(D) The required local participation and all other procedural requirements of this Code section are met.

This subsection shall be automatically repealed on June 30, 2015.

(i) Local school systems may receive capital outlay funds for construction projects to consolidate or reorganize schools under an advance funding category; provided, however, that each construction project meets the following conditions:

(1) A school size and organizational study has been completed by the Department of Education;

(2) The local school system has adopted a comprehensive plan to reorganize so that each school within the system funded under this subsection shall meet or exceed the minimum sizes specified in subsection (q) of this Code section or contain all the students within the local school system for the respective school level; provided, however, that nothing contained in this subsection shall be construed so as to require an existing school to change its current grade configuration;

(3) The local facilities plan to implement this reorganization or consolidation of

schools has been approved by a comprehensive survey team and the State Board of Education;

(4) The project proposed for advance funding must be accomplished in order for the reorganization or consolidation to be implemented; provided, however, that the proposed project may include renovation and modification of existing facilities, as well as additions to existing facilities and construction of new facilities if the reorganization or consolidation cannot be implemented until these activities have been completed;

(5) The combined project total would otherwise require more than three years of the combined annual entitlement and required local participation, with said combined annual entitlement and required local participation amount estimated in accordance with the total entitlement intended for authorization by the state board;

(6) A schedule for funding the activities required to effect the reorganization or consolidation has been developed as a part of the organizational study, incorporated into the local facilities plan, and approved by the local board of education and the state board, and the funding for those activities required to effect the reorganization or consolidation will be scheduled over a one to five-year period;

(7) The project to be funded is not in addition to projects funded for a given local school system under the provisions of subsection (g) of this Code section for the fiscal year in which it is to be funded; and

(8) The required local participation and all other procedural requirements of this Code section are met.

(j) (1) In order to determine a reasonable funding level under this subsection and to establish a fair and equitable distribution of funds to local school systems for construction projects needed because of exceptional growth, the State Board of Education shall annually determine a level of authorization. For a given fiscal

year, the new authorization may equal zero but shall not exceed \$100 million. For purposes of deliberations with the Governor and the General Assembly regarding the amount of state funds to be appropriated, calculations shall be made for at least three levels below the \$100 million maximum authorization.

(2) In setting the annual authorization level for exceptional growth funding, the state board shall consider any previously authorized but unfunded amounts under this subsection together with the total estimate of funds needed for school facilities as a result of exceptional growth as computed under subparagraph (A) of this paragraph. The annual entitlement for each school system experiencing exceptional growth shall be computed as follows:

(A) The average of each school system's average full-time equivalent count for the three most recently completed school years ("most recent average") will be compared to the average of that system's average full-time equivalent count for the three most recently completed school years prior to the most recently completed school year ("earlier average"). If there is an increase in a school system's most recent average of at least 1.5 percent and at least 65 average full-time equivalent counts over that system's earlier average, that system will be an exceptional growth system. For each such exceptional growth system with an increased average count of at least 65 average full-time equivalent counts after the above calculation, the amount of such increase will be divided by the total such increase for all exceptional growth systems under this subsection to provide the ratio of each system's growth to the total growth of all systems with exceptional growth; and

(B) Each of the school systems identified as being an exceptional growth system under subparagraph (A) of this paragraph shall be entitled to a portion of the total entitlement authorization set by the General Assembly annually for exceptional growth based on each system's relative exceptional growth to the sum of exceptional growth for all systems as determined in subparagraph (A) of this paragraph. The entitlement for each school system shall be determined annually by multiplying each system's ratio of need to the total need for exceptional growth by each of the program authorization levels required in paragraph (1) of this

subsection. In addition to the annual entitlement, the local school system is eligible to receive any entitlement accrued under this subsection from previous fiscal years for which state funds have not been received. Any method of determining entitlements in subsequent years shall in no way affect the amount of previously accrued entitlements.

(3) The level of entitlement approved by the General Assembly and authorized by the state board shall not be greater than a total level of entitlement which, when divided by the sum of exceptional growth for all school systems with exceptional growth, provides a cost per average exceptional growth full-time equivalent student that is not greater than the average of construction costs per full-time equivalent student for elementary school, middle school, and high school construction as provided in paragraph (5) of subsection (c) of this Code section, the average of which three costs shall be reduced by the local participation required by subsection (f) of this Code section.

(4) In order to determine the amount of state funds to be requested for a given fiscal year under this subsection, total new and accrued entitlements under this subsection must be compared to the state portion of the current cost estimates for all projects approved for exceptional growth. Such comparisons shall be made for each of the incremental entitlement levels required in paragraph (1) of this subsection. In the event that funding requested for new construction for exceptional growth exceeds the total state entitlements earned for exceptional growth and the required local participation, local school systems may elect to contribute additional local funding. Local funds contributed in excess of required local participation on state eligible project costs may be credited toward earning entitlement for state eligible project costs pursuant to subparagraph (g)(2)(B) of this Code section to the extent of the state eligible needs identified in the local facilities plan. The State Board of Education shall adopt rules that define the conditions and the extent of the crediting of local funds contributed toward such entitlement.

(5) The final level of entitlements actually authorized by the state board for a fiscal year shall be that level which is consistent with the Appropriations Act for

that year.

(6) Local school systems may receive state capital outlay funds for exceptional growth projects if that system experienced exceptional growth and the following conditions are met:

(A) The local school system has specifically requested funding under this subsection prior to submission of the annual budget request for the state board to the General Assembly;

(B) Any construction project submitted to utilize growth entitlement shall include construction of at least three new instructional units. If sufficient growth entitlement is not currently available for all of the new instructional units needed under this subsection, additional local funds or entitlements available to meet construction needs identified in the school system's facilities plan pursuant to subsection (g) of this Code section may be combined with any entitlement available for exceptional growth pursuant to this subsection for the purpose of completing all construction needs identified at a school. Entitlements earned under this subsection shall not be withheld, recalculated, or otherwise reduced for any construction project approved under subsection (g) of this Code section. Exceptional growth entitlement shall be utilized for construction of new instructional units at an existing school or for new schools only for those schools which, following the completion of such construction, meet the minimum size specified in subsection (q) of this Code section. Other funding sources must be utilized for any renovation or modification activities which may be needed; and

(C) The local participation required under subsection (f) of this Code section and all other procedural requirements of this Code section are met.

(7) This subsection shall be automatically repealed on June 30, 2015.

(k) The State Board of Education shall request separate appropriations for each of the following categories:

(1) Regular entitlements pursuant to subsection (g) of this Code section;

(2) Regular advance funding projects pursuant to paragraphs (1) through (4) of subsection (h) of this Code section;

(3) Construction projects resulting from the consolidation of schools across local school system lines pursuant to paragraph (5) of subsection (h) of this Code section;

(4) Construction projects resulting from merger of local school systems pursuant to subsection (a) of Code Section 20-2-291;

(5) Advance funding projects for consolidation or reorganization of schools pursuant to subsection (i) of this Code section; and

(6) Exceptional growth construction projects pursuant to subsection (j) of this Code section.

(k.1) Prior to a local board of education's submitting a funding request to the State Department of Education for State Board of Education approval for a construction project which involves the closing of any existing school or schools and the construction of new classrooms or schools resulting in the transporting of students to another new or existing school to which will be assigned the students in the school or schools to be closed and prior to a local board of education's utilizing any local school tax funds, including but not limited to proceeds of general obligation bonds, for any such construction project, and prior to a local board of education's decision becoming effective to close any existing school where such closing results in the transporting of students from the school to be closed to any new or existing school or schools even though no additional capital funding is required as a result of the assignment thereto of those students from any school to be so closed, the local board of education shall conduct the following:

(1) The board of education must schedule and hold two public hearings and

provide an opportunity for full discussion of the local board of education's proposal to close such school or schools;

(2) The public hearings shall be advertised in a local newspaper of general circulation which shall be the same newspaper in which other legal announcements of the board of education are advertised and shall include, but not be limited to:

(A) Identification of each school to be closed and location of each new or existing school to which the students in the school or schools to be closed will be reassigned;

(B) Proposed size of each new school in terms of number of students and grade configuration;

(C) Proposed expansion of existing schools designed to accommodate students being reassigned from the school or schools to be closed;

(D) Total cost, including breakdown for state and local shares, for school construction projects required to house students being reassigned from the school or schools to be closed. Local costs shall include identifying proposed sources of funds, whether from bond referendum proceeds or other sources; and

(E) Plans for use or disposal of closed school property.

(3) The board of education shall request formal, written comments or suggestions regarding the system's organizational pattern or school sizes and shall allow appropriate discussion during the public hearings;

(4) Any person who is qualified and registered to vote for a member of a local board of education and who resides within the school district under the management of that board may file with that board a notice of intent to file a petition pursuant to this paragraph and may sign any such petition. That petition shall be for the purpose of expressing opposition to the decision of such board to

close any school listed for closure in the advertisement published pursuant to paragraph (2) of this subsection. That notice of intent shall be filed within 30 days after the second hearing under paragraph (1) of this subsection to discuss any such school closing. That petition must be filed with such board of education within 60 days after notice of intent to file such petition has been received by such board. Within ten days after such petition has been so received, that board shall transmit the petition to the election superintendent of the political subdivision which levies ad valorem taxes for educational purposes for that local board of education. Such election superintendent shall validate the signatures on the petition against the official list of voters who are qualified to sign such petition. If the petition so validated contains the signatures of at least 25 percent of the number of electors who were registered and qualified to vote at the last preceding general or special election for members of that local board of education, that board shall be so notified in writing by that election superintendent;

(5) Within 15 days after receiving notification that a petition containing the required number of signatures has been validated under paragraph (4) of this subsection, the local board of education shall so notify in writing any person who filed with the board a notice of intent to file that petition and notify each such person of the rights of the petitioners to select a delegation thereof under this paragraph. Within 20 days after receiving such notice, the petitioners must select from their number a delegation of no more than ten members, of whom six shall be parents of students in the schools to be closed, and notify the board of the names and addresses of those delegation members. The chairperson of the local board shall notify the selected delegation of petitioners of the date, time, and place for meeting to address their differences regarding the school closings. The local board of education and the delegation of petitioners shall resolve whether any or all of the schools proposed to be closed should be closed and report the final decision agreed upon by the board and a majority of the delegation of petitioners within 60 days from the date the board received notification that the petition was validated. The report shall be transmitted to the election superintendent who validated such petition and to the State Board of Education;

(6) If no such decision is agreed upon or reported as provided in paragraph (5) of this subsection, the election superintendent who validated the petition shall be required to call and conduct a special election for the purpose of submitting for approval or rejection the proposed school closing actions of the board of education to the electors of the school district under the management of such board. That special election shall be called and conducted as provided under Title 21 for the county or municipality which levies ad valorem taxes for educational purposes for that board. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the county in which lies the legal situs of such board. The ballot shall have written or printed thereon the following:

*"() YES Shall the action of the board of education of
(name of county or*

() NO independent board) be approved which provides for the closing of the following schools: (List each school to be closed as specified in the advertisement referred to in the validated petition)?"

All persons desiring to vote for approval of the closings shall vote "Yes," and those persons desiring to vote for rejection of such closings shall vote "No." The expense of such election shall be borne by the county or municipality which levies ad valorem taxes for educational purposes for the school district under the management of such board of education. It shall be the duty of the election superintendent to certify the result of such election to such board of education, the Department of Education, and the Secretary of State; and

(7) If more than one-half of the votes cast on such question pursuant to paragraph (6) of this subsection are for approval of the school closings or if the local board and delegation of petitioners reached and reported a final decision agreeing upon the schools to be closed as provided in paragraph (6) of this subsection, state capital outlay funds may be awarded to that board for construction projects undertaken for the purpose of housing students to be reassigned from any such school to be closed, local funds may be used for such purposes, and the school closings approved may become effective even though

no additional capital funding is required as a result of the assignment of students from a school so closed to a new or existing school; otherwise, such funds may not be awarded or used for such purposes and such school closings may not become effective for a period of four years from the date of the validation of the petition under paragraph (4) of this subsection, after which time the board of education shall be required to comply with paragraphs (1) through (6) of this subsection and this paragraph in order to obtain or use any funds for such purposes or close such schools.

(l) In the event the General Assembly is unable to appropriate the funds needed for a fiscal year to finance the total request of the State Board of Education under this Code section, the following priorities shall apply to the funds appropriated:

(1) Facility projects requested pursuant to subsection (g) and (j) of this Code section;

(2) Reserved;

(3) Facility projects requested pursuant to paragraphs (1) through (4) of subsection (h) of this Code section, subject to the following subpriorities:

(A) Facility projects needed to address extraordinary growth;

(B) Facility projects resulting from destruction or damage caused by fire or natural disaster;

(C) Facility projects needed to address hazards to health or safety; and

(D) Facility projects needed for unhoused students;

(4) Facility projects needed to effectuate local school system mergers pursuant to subsection (a) of Code Section 20-2-291;

(5) Facility projects requested pursuant to paragraph (4) of subsection (h) of this

Code section, subject to the following subpriorities:

(A) Students housed in substandard or obsolete facilities;

(B) Facility projects designed to consolidate schools smaller than the minimum sizes specified in subsection (q) of this Code section; and

(C) Facility projects designed to meet state board requirements or for modernization;

(6) Facility projects needed to develop schools which will serve students across local school system lines pursuant to subsection (b) of Code Section 20-2-291; and

(7) Facility projects requested pursuant to subsection (i) of this Code section, subject to the same order of subpriorities specified in paragraphs (3) and (5) of this subsection.

(m) The State Board of Education shall implement a computerized student projection program for each school system in Georgia as a component of the state-wide comprehensive educational information system. The program shall be used in this subsection to forecast facility needs in each system by projecting full-time equivalent student counts for each grade level and shall be written in the educational facilities survey. The projection program methodology at least must correlate live-birth data to full-time equivalent student counts and project full-time equivalent student counts for each of the grades, including kindergarten, for each of the next five years using cohort survival.

(n) The State Board of Education shall request funds for capital outlay purposes as defined in subsections (a) through (j) of this Code section for each school system and project, giving priority to elementary school construction projects where practicable. For each project, the state board shall present to the Appropriations Committees of the House of Representatives and the Senate, the House Education Committee, and the Senate Education and Youth Committee

by object of expenditure all costs contributing to the construction project. This itemization shall include, but not be limited to, architectural fees, new construction, modification, and renovation costs for the project. Itemization for additions, modifications, and renovations shall include type of classrooms by purpose, estimated square footages, and costs for hallways, restrooms, administrative offices, lunchrooms, and media centers. Costs for new facilities shall be budgeted by the current construction cost times the total square footage required.

(o) Any other provisions of this Code section to the contrary notwithstanding, when the board of education of a local school system has called and held a bond election to incur bonded indebtedness to construct a school or schools for the purpose of high school consolidation within the school system and a majority of the voters voting in said bond election voted against incurring such debt, then for a period of four school years immediately following the school year during which the bond election was held, the local school system shall not receive any funds for such purpose pursuant to the provisions of subsection (i) of this Code section. The provisions of this subsection apply to bond elections held at any time after January 1, 1989.

(p) Any system which has not submitted a plan for consolidation or reorganization of schools to the State Board of Education by July 1, 1992, shall not be allowed to request state funds under subsection (i) of this Code section. Any such plan submitted prior to July 1, 1992, which has been changed since its submission and approved by the State Board of Education pursuant to paragraph (9) of subsection (c) of this Code section shall not disqualify the local board from requesting and receiving funds to implement the changed plan under subsection (i) of this Code section unless, as a result of the change, any school in the plan will be less than the minimum size specified therefor in subsection (q) of this Code section. A change resulting in any school in the plan being less than such minimum size shall not result in the recalculation of entitlements or withholding of funds for any construction project in the plan unless:

(1) That project involves a school which is less than such minimum size; and

(2) Construction upon that project has neither been begun nor completed.

(q) Construction projects which are identified by the local board pursuant to subsections (c) and (d) of this Code section and which contain a projected full-time equivalent student count of more than 200 students in an elementary school, 400 students in a middle school, and 500 students in a high school, as defined in subsection (c) of Code Section 20-2-291, or which contain all the students within the local school system for such respective school level shall be eligible to receive full capital outlay funding under the conditions specified in subsections (g), (h), (i), and (j) of this Code section; provided, however, that nothing contained in this subsection shall be construed so as to require an existing school to change its current grade configuration.

(r) Notwithstanding any other provisions of this Code section, when the board of education of a local school system has called and held a bond election to incur bonded indebtedness to construct a school or schools for the purpose of high school consolidation or closing any school within the school system and a majority of the voters voting in said bond election voted against incurring such debt or a local board is under litigation to prevent a consolidation project under subsection (h) or (i) of this Code section or closing any school, whether funds have been allocated or not, the procedures established in subsection (k.1) of this Code section shall be followed.

(s)(1) An appropriation for public school outlay for any one fiscal year that is in addition to the annual fiscal year appropriation for school capital outlay will be deemed a "special appropriation for school capital outlay" for purposes of this subsection when:

(A) The appropriation is to the Georgia State Financing and Investment Commission; and

(B) The Office of Planning and Budget confirms that a separate and substantial appropriation for public school capital outlay has been made during the same fiscal year to the board and Department of Education under another subsection

of this Code section.

(2) The State Board of Education shall promulgate rules, policies, standards, and guidelines for the disbursement and application of any special appropriation for school capital outlay and these rules, policies, standards, and guidelines shall be utilized by the commission in making disbursements and overseeing applications of said special appropriation. The state board may provide for disbursement for any capital outlay purpose permitted by this Code section, unless purposes are stated more narrowly by the special appropriation, and may provide for amendments to facilities plans for the limited purpose of this paragraph. The board may set priorities among the permitted purposes and may require each school system to apply its portion first to such priorities.

(3) Each local school system shall be entitled to its portion of a special appropriation for school capital outlay based on the ratio of that system's needs to the total state-wide need. The state board will provide for the determination of need as provided in this subsection and as otherwise provided in this Code section. No need will be authorized which is not a permitted capital outlay purpose under this Code section.

(4) In providing for disbursement, the state board will determine whether:

(A) To require local participation in capital expenditures funded by the special appropriation for school capital outlay. No local participation will be required which exceeds that otherwise required by this Code section; and

(B) To allow a special appropriation for school capital outlay to be applied to reimbursement of current principal payments on local indebtedness.

In making its determination, the board will consider the efficient and economical use of the special appropriation for school capital outlay and local revenues.

(5) In providing for disbursement and application of a special appropriation for school capital outlay, the state board and the Georgia State Financing and

Investment Commission will not be subject to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."