

**SENATE BILL 231¹: EDUCATION;
ESTABLISH THE PROMISE III TEACHER’S SCHOLARSHIP;
PROVIDE FOR ELIGIBILITY REQUIREMENTS**

Amending O.C.G.A. tit. 20, ch. 2-3.

First Signature: Senator Dan Weber (40th)

Summary: Senate Bill 231 seeks to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated to establish the PROMISE III teacher’s scholarship which provides for eligibility requirements, service cancelable requirements, and related matters.²

Status: House Substitute Passed/Adopted on April 3, 2009³

TEXT OF SENATE BILL 231:

§ 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part 2 of Article 6 of Chapter 2, relating to competencies and core curriculum under the “Quality Basic Education Act,” by adding a new Code section to read as follows:

“20-2-146.1.

(a) In the event that state funding is provided to local school systems to offer the PSAT to its students, such state funding shall also be made available for purposes of offering the ACT PLAN assessment to such students.

1. S.B. 231, 150th Gen. Assem., 1st Reg. Sess. (Ga. 2009) (as passed by House), *available at* http://www.legis.state.ga.us/legis/2009_10/versions/sb231_SB_231_HCSFA_6.htm (last visited Mar. 22, 2010).

2. *Id.*

3. Ga. Gen. Assem. S.B. 231 (Mar. 20, 2010), http://www.legis.ga.gov/legis/2009_10/sum/sb231.htm [hereinafter S.B. 231 Status Sheet].

(b) It shall be the choice of each student as to which preparatory assessment he or she elects to take.”

§ 2.

“Reserved.”

§ 3.

“Reserved.”

§ 4.

Said title is further amended by revising Code Section 20-2-205, relating to the Georgia Master Teacher Program, as follows:

“20-2-205.

(a) The General Assembly finds that excellent public school teachers deserve recognition for the extraordinary learning opportunity they provide to Georgia students.

(b) The Professional Standards Commission is authorized and directed to establish the ‘Georgia Master Teacher Program’ to provide recognition to certificated public school teachers who exhibit excellence in the classroom.

(c) The Professional Standards Commission shall establish criteria for a Master Teacher Certification. Such criteria shall include, at a minimum, evidence of student achievement, which must include student progress. A public school teacher with three or more years of teaching experience in Georgia may submit an application to the Professional Standards Commission for a Master Teacher Certification. The Professional Standards Commission shall review each application and determine whether a teacher meets the criteria for a Master Teacher Certification. If the Professional Standards Commission finds that a teacher’s application meets the criteria, the teacher will be given a Master Teacher Certification, and that teacher will be known as and may be called a Master Teacher for a term to be determined pursuant to rules and regulations of the Professional Standards Commission, but in no event longer than seven years. The Professional Standards Commission is authorized to develop rules and regulations governing the Master Teacher Certification.

~~(d) This Code section shall be repealed on June 30, 2009.”~~

§ 5.

Said title is further amended in Code Section 20-2-212, relating to salary schedules for certificated personnel under the “Quality Basic Education Act,” by revising subsection (a) as follows:

“(a) The State Board of Education shall establish a schedule of minimum salaries for services rendered which shall be on a ten-month basis and which shall be paid by local units of administration to the various classifications of professional personnel required to be certificated by the Professional Standards Commission. The minimum salary schedule shall provide a minimum salary base for each classification of professional personnel required to be certificated; shall provide for increment increases above the minimum salary base of each classification based upon individual experience and length of satisfactory service; and shall include such other uniformly applicable factors as the state board may find relevant to the establishment of such a schedule. The minimum salary base for certificated professional personnel with bachelor’s degrees and no experience, when annualized from a ten-month basis to a 12 month basis, shall be comparable to the beginning salaries of the recent graduates of the University System of Georgia holding bachelor’s degrees and entering positions, excluding professional educator teaching positions, in Georgia having educational entry requirements comparable to the requirements for entry into Georgia public school teaching. The placement of teachers on the salary schedule shall be based on certificate level and years of creditable experience, except that a teacher shall not receive credit for any year of experience in which the teacher received an unsatisfactory performance evaluation. For purposes of this subsection, an educator’s placement on the salary schedule shall not be based on a leadership degree, which shall mean a degree earned in conjunction with completion of an educator leadership preparation program approved by the Professional Standards Commission, if the degree was earned on or after July 1, 2010, unless the educator is employed in a leadership position as defined by the State Board of Education but shall be placed on the salary schedule attributable to the educator but for the leadership certification; provided, however, that this shall not apply to an educator who possessed a leadership certificate prior to July 1, 2010, regardless of whether or not he or she is in a leadership position. The General Assembly shall annually appropriate funds to implement a salary schedule for certificated professional personnel. For each state fiscal year, the state board shall adopt the salary schedule for which funding has been appropriated by the General Assembly. A local unit of

administration shall not pay to any full-time certificated professional employee a salary less than that prescribed by the schedule of minimum salaries, except as required by this Code section; nor shall a local unit of administration pay to any part-time certificated professional employee less than a pro rata portion of the respective salary prescribed by the schedule of minimum salaries, except as required by this Code section.”

§ 5A.

Said title is further amended in Part 13 of Article 6 of Chapter 2, relating to organization of schools and school systems under the “Quality Basic Education Act,” by adding a new Code section to read as follows:

“20-2-295.

(a) Beginning in school year 2010-2011, the parent or guardian of a student enrolled in a public elementary or secondary school in this state may elect to enroll such student in a public school that is located within the school system in which the student resides other than the one to which the student has been assigned by the local board of education if such school has classroom space available after its assigned students have been enrolled. The parent or guardian shall assume the responsibility and cost of transportation of the student to and from the school.

(b) No later than July 1, 2010, each local school system shall establish a universal, streamlined process available to all students to implement the transfer requirements of subsection (a) of this Code section.

(c) A student who transfers to another school pursuant to this Code section may, at his or her election, continue to attend such school until the student completes all grades of the school.

(d) This Code section shall not be construed to affect any student currently attending a school other than the school to which the student has been assigned by the local board of education pursuant to a transfer authorized under the federal No Child Left Behind Act (P.L. 107-110).”

§ 6.

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

“20-3-519.15.

(a) To be eligible for a PROMISE III teacher’s scholarship, a student seeking alternative certification as a teacher shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia for purposes of the tuition equalization grant;

(2) Possess a bachelor’s degree or higher;

(3) Be accepted for enrollment into an approved alternative teacher certification program in Georgia leading to initial certification. Such alternative program shall be a teacher certification program not offered by a public or private postsecondary institution as approved by the Professional Standards Commission; and

(4) Agree to teach in a public school in Georgia at the elementary, middle, or secondary level for one academic year for each \$1,500.00 in PROMISE III teacher scholarship funds awarded and sign a promissory note that stipulates the cash repayment obligation incurred if the teaching service is not fulfilled.

(b) Subject to the amounts appropriated by the General Assembly and provisions relating to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a PROMISE III teacher’s scholarship shall not exceed a total of \$3,000.00 per recipient.

(c) A student who terminates participation in the approved alternative teacher certification program or who is otherwise dropped from participation by the program shall not be eligible to continue receiving a PROMISE III teacher’s scholarship. Such student shall also not be eligible to receive a PROMISE teacher’s scholarship or a PROMISE II teacher’s scholarship.

(d) A student shall not be eligible to receive a PROMISE III teacher’s scholarship if such student is ineligible for certification by action of the Georgia Professional Standards Commission.”

§ 6A.

Said title is further amended by revising Code Section 20-4-10, relating to the establishment of the State Board of Technical and Adult Education, as follows:

“20-4-10.

(a) There is established a the State Board of the Technical College System of Georgia, formerly known as the State Board of Technical and Adult Education consisting of not fewer than one member from each congressional district and nine at-large members who shall be appointed by the Governor and confirmed by the Senate for five-year terms. Board members in office on June 30, 2000, shall serve out the remainder of their respective terms. Upon expiration of those terms, the Governor shall appoint seven successors to two-year terms, six successors to three-year terms, and six successors to five-year terms. All subsequent appointments shall be for regular five-year terms. Members shall represent business, industry, or economic development. The board shall elect from its members a chairperson, vice chairperson, and such other officers as are considered necessary, each to serve for two-year terms. Officers may be elected to succeed themselves. Members shall serve until their successors are appointed; however, in the event of a vacancy on the board because of death, resignation, or removal for any reason other than expiration of a member's term, the Governor shall fill such vacancy in the same manner as the original appointment and the person so appointed shall serve for the unexpired term of office.

(b) As used in this article, the term ‘state board’ means the State Board of ~~Technical and Adult Education~~ the Technical College System of Georgia.”

§ 6B.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing “State Board of Technical and Adult Education,” “Board of Technical and Adult Education” or “board of technical and adult education,” wherever any such term occurs with “State Board of the Technical College System of Georgia”:

- (1) Code Section 12-5-127, relating to the licensing of water well contractors;
- (2) Code Section 12-11-11, relating to the Conservation Corps Advisory Council;
- (3) Code Section 20-1-22, relating to definitions relative to the “Drug-free Postsecondary Education Act of 1990”;

- (4) Code Section 20-1-26, relating to promulgation of administrative procedures for implementation of the “Drug-free Postsecondary Education Act of 1990”;
- (5) Code Section 20-2-161.1, relating to academic credit for enrollment in postsecondary courses;
- (6) Code Section 20-2-169, relating to receipt of federal funds for career, occupational, or technical education;
- (7) Code Section 20-4-11, relating to the powers of the State Board of Technical and Adult Education;
- (8) Code Section 20-4-12, relating to expenses and mileage allowance for the State Board of Technical and Adult Education;
- (9) Code Section 20-4-13, relating to meetings of the State Board of Technical and Adult Education;
- (10) Code Section 20-4-14, relating to the establishment of the Technical College System of Georgia;
- (11) Code Section 20-4-15, relating to the establishment of adult literacy programs;
- (12) Code Section 20-4-16, relating to funding for adult literacy programs and postsecondary technical education programs;
- (13) Code Section 20-4-19, relating to conformity to board standards, policies, and procedures of adult literacy programs;
- (14) Code Section 20-4-21, relating to tuition fees for the Technical College System of Georgia;
- (15) Code Section 20-4-24, relating to use of personnel by local units of administration in the Technical College System of Georgia;
- (16) Code Section 20-4-25, relating to membership in the retirement system;
- (17) Code Section 20-4-35, relating to the reduction in force policy;
- (18) Code Section 20-4-40, relating to the establishment of the quick start training program;

- (19) Code Section 20-4-41, relating to the extent and nature of the quick start training program to be offered;
- (20) Code Section 20-4-43, relating to agreements for local facilities and employees for training;
- (21) Code Section 20-4-44, relating to qualifications of employees of the quick start training program;
- (22) Code Section 20-4-45, relating to equipment procurement and use for the quick start training program;
- (23) Code Section 20-4-46, relating to standards, rules, and regulations of the quick start training program;
- (24) Code Section 20-4-47, relating to acceptance of federal and private grants;
- (25) Code Section 20-13-8, relating to licensure of the Georgia Public Telecommunications Commission;
- (26) Code Section 20-13-9, relating to content of instructional television;
- (27) Code Section 20-14-3, relating to membership, officers, and meetings of the Education Coordinating Council;
- (28) Code Section 20-14-50, relating to the adoption of performance measures, report cards, and audit under the postsecondary accountability assessment program;
- (29) Code Section 20-16-2, relating to definitions relative to the “Georgia Higher Education Facilities Authority Act”;
- (30) Code Section 20-16-3, relating to the creation of the Georgia Higher Education Facilities Authority;
- (31) Code Section 20-16-4, relating to the powers of the Georgia Higher Education Facilities Authority;
- (32) Code Section 38-3-22.2, relating to the establishment of Airport Anti-Terrorism Training Committee;
- (33) Code Section 42-2-5.1, relating to special school district for school age youth and education programs for adult offenders;

(34) Code Section 43-14-6, relating to powers and duties of divisions relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors,;

(35) Code Section 45-7-21, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions;

(36) Code Section 45-12-132, relating to contracts exempt from certain requirements;

(37) Code Section 50-20-8, relating to applicability of provisions for relations with nonprofit contractors; and

(38) Code Section 50-36-1, relating to verification of lawful presence within United States.

§ 6C.

Said title is further amended in Article 2 of Chapter 4, relating to technical and adult education, by adding a new Code section to read as follows:

“20-4-37.

On and after July 1, 2010, no creation, consolidation, suspension, or discontinuation of a technical college or institution under the State Board of Technical and Adult Education shall be effective or have any force and effect unless approved by the General Assembly in accordance with this Code section. Legislative approval shall be by Act of the General Assembly or the adoption of a joint resolution of the General Assembly.”

§ 7.

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

FIRST SIGNATURE’S RATIONALE

Senator Dan Weber, of the 40th district introduced Senate Bill 231.⁴ Senator Weber hopes that Senate Bill 231 will help provide financial assistance to those who wish to switch their

4. Ga. S.B. 231 (as passed by House).

career to education.⁵ Kelly Henson, Executive Secretary for the Georgia Professional Standards Commission, approached Senator Weber with the idea for this legislation, advocating several reasons.⁶ First, it is evident that very few would disagree that Georgia needs to support those who wish to change careers into the very important field of education.⁷ Further, there are currently no programs that help alleviate the financial burden to those who wish to make a career transition into education.⁸ However, there are such programs to help alleviate the cost for those who have yet to acquire a degree and wish to seek a degree in education.⁹ Essentially, Senate Bill 231 will allow the use of state lottery funds, which are already used for various scholarships, to help support people who wish to begin careers in education.¹⁰

Senator Weber acknowledged that the large amount of proposed amendments to Senate Bill 231 in the Georgia House of Representatives was due to the fact that Senate Bill 231 would arguably take away from the money that would ordinarily go towards other scholarship programs such as the Promise I and Promise II Scholarships.¹¹ However, Mr. Henson states the only downside to the Bill is the inability to generate excess dollars in an economy where not only the general fund dollars are under strain, but the lottery funds are diminished as well.¹² Nonetheless, Senator Weber did not categorize these amendments as opposition towards the Bill, as it favorably

5. E-mail from Sen. Dan Weber, Sen. Dist. 40, to Boris Milter, Staff Member, John Marshall Law Journal, (March 9, 2010, 3:31p.m. EST) (on file with author) [hereinafter Weber E-mail].

6. *Id.*

7. Telephone Interview with Kelly Henson, Executive Sec'y, Ga. Prof'l Standards Comm'n (March 10, 2010) [hereinafter Henson Interview].

8. *Id.*

9. *Id.*; see GACollege411, Promise Teacher Scholarship Loan, http://www.gacollege411.org/Financial_Aid_Planning/Financial_Aid_101/Service_Cancelable_Loans/PROMISE_Teacher_Scholarship_Loan.aspx (last visited Mar. 22, 2010) (explaining how Georgia's Promise I Scholarship helps alleviate financial burdens for undergraduate students seeking degrees in education).

10. See Ga. S.B. 231(as passed by House); Henson Interview, *supra* note 7.

11. Weber E-mail, *supra*, note 5; see *infra* LEGISLATIVE GENEALOGY.

12. Henson Interview, *supra*, note 7.

passed the House with a 139 to 23 vote.¹³ Although Senator Weber offered another amended version of Senate Bill 231 during the 2010 legislative session, it has not been considered.¹⁴

LEGISLATIVE GENEALOGY

Senate Bill 231 was first read and referred to the Higher Education Committee on March 4, 2009.¹⁵ On March 5, 2009, the Senate Secretary read to the Senate the Committee report, prepared by Senator Harp, of the 29th district, Chairman of the Committee on Higher Education, recommending the Senate pass Senate Bill 231.¹⁶ On March 9, 2009, the Senate heard the second reading of the Bill, and on March 12, 2009, the Bill was read for a third time. Thereafter, the Senate agreed to the Committee's report and passed the Bill by a vote of fifty-two "yeas," zero "nays," three "not voted," and one "excused."¹⁷

On March 17, 2009, the Georgia House of Representatives heard the first reading of Senate Bill 231 and referred the Bill to the Committee on Higher Education.¹⁸ The following day, the House read the Bill for a second time.¹⁹ On March 26, 2009, the Clerk of the House read the Committee's favorable report on Senate Bill 231, submitted by Representative Bill Hembree of the 67th district, Chairman of the Committee on Higher Education, recommending the Senate pass the Bill by Substitute.²⁰ The House read Senate Bill 231 a third time on April 3, 2009, the last day of session.²¹

13. Weber E-mail, *supra* note 5; *see infra* note 51.

14. Weber E-mail, *supra* note 5; *see* S.B. 231, 150th Gen. Assem., 1st Reg. Sess. (Ga. 2009) (proposed amended version), *available at* http://www.legis.state.ga.us/legis/2009_10/versions/sb231_Floor_amend_1_t_o_House_sub_AM_33_0857_7.htm.

15. S.B. 231 Status Sheet, *supra* note 3.

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

20. *JOURNAL OF THE HOUSE*, 150th Gen. Assem., 1st Reg. Sess., at 3926 (Ga. Mar. 26, 2009), *available at* http://www.legis.state.ga.us/legis/2009_10/house/clerk/09Journals/Day%2037.pdf (last visited Mar. 22, 2010) [hereinafter *HOUSE JOURNAL*: Mar. 26, 2009].

21. S.B. 231 Status Sheet, *supra* note 3.

Immediately after the third reading of the Bill, Representative Hembree presented, before the House, the House Committee on Higher Education's proposed Substitute for Senate Bill 231.²² The Substitute, in essence, expanded the scope of the original text of Senate Bill 231.²³ The Committee added the following provisions, to the existing provisions in the Bill's Caption:

(1) So as to provide for preparatory tests for college entrance exams; (2) to provide for enrollment counts for students in certain dual enrollment programs; (3) to provide for requirements for weighting of students in certain dual enrollment courses under the Quality Basic Education Formula; (4) to remove the sunset provision from the Georgia Master Teacher Program; (5) to provide for placement on the state salary schedule for an educator who has a leadership degree but is not in a leadership position.²⁴

Representative Hembree explained that, currently, PROMISE I teacher scholarships exist as means of assisting those students specializing in educational degrees, in return for their services as a public school teacher for a specified amount of time.²⁵ Representative Hembree explained that the establishment of the PROMISE III teacher scholarship would give the same general type of assistance to those that want to pursue teaching despite the fact that their background is not in the area of education.²⁶ The PROMISE III scholarship would allow for alternative

22. S.B. 231, 150th Gen. Assem. 1st. Reg. Sess. (Ga. 2007) (H. Comm. Substitute) *available at* http://www.legis.state.ga.us/legis/2009_10/versions/sb231_LC_28_4801S_hss_5.htm (last visited Mar. 22, 2010); *General Assembly Video Archive: House Session Part IIP* (Georgia Public Broadcasting internet broadcast Apr. 3, 2009), *available at* mms://mediam1.gpb.org/ga/leg/2009/house_040309_2P.wmv.

23. *Compare* S.B. 231, 150th Gen. Assem., 1st Reg. Sess. (Ga. 2009) (as introduced), *available at* http://www.legis.state.ga.us/legis/2009_10/versions/sb231_As_introduced_LC_33_3058_2.htm (last visited Mar. 22, 2010) *with* Ga. S.B. 231 (H. Comm. Substitute).

24. Ga. S.B. 231 (H. Comm. Substitute).

25. *General Assembly Video Archive: House Session Party IIP, supra* note 22.

26. *Id.*

means of teacher certification and would help alleviate this State's lack of teachers in the areas of math and science.²⁷

Following his presentation of the House Committee Substitute, Representative Hembree yielded the floor for questions and discussion.²⁸ Discussion ensued regarding the potential "chilling" effect of § 5 of the Bill.²⁹ Section Five pertains to salary increases for teachers with leadership degrees/certifications, or those teachers that are possibly considering acquiring the additional leadership degree/certification.³⁰ The discussion on the floor centered on protecting three interests: (1) promoting and encouraging those that wish to seek leadership degrees/certifications; (2) making sure that those wishing to seek such degrees/certifications are not discouraged; and (3) only those that acquire the leadership degrees/certifications and step into such positions benefit from the salary increase.³¹ Representative Hembree stated that the Professional Standards Commission is finding that there are many teachers that acquire the pay increase, after receiving the required degree or certification, but do not move into any type of leadership position.³² Representative Hembree further stated that the provision is essentially a cost saving mechanism, for the benefit of the State of Georgia and its students, which will only allow those teachers that move into the requisite leadership positions to receive the benefit of a salary increase.³³

27. *Id.*

28. *Id.*

29. *Id.*

30. Ga. S.B. 231 (as introduced).

31. *General Assembly Video Archive: House Session Party IIP, supra* note 22. The concern is that if a teacher acquires the required degree/certification and *wants* to move into a leadership position, but is unable to because there are no vacancies for such positions at the time, that teacher would not be allowed to benefit from the pay increase. *Id.* Therefore, there is a fear that a "chilling" effect may ensue and those fearful that they will receive neither a leadership position nor a salary increase upon acquiring a leadership degree/certification, will simply not seek such advancement. *Id.* Of course, this is drastically different from a teacher who acquires the degree/certification, but wishes to benefit from the salary increase without moving into a leadership position. *Id.*

32. *Id.*

33. *Id.*

Following questions and discussions pertaining to the House Committee's proposed Substitute, Representatives Butch Parrish, of the 156th district, Jay Roberts, of the 154th district, and Ed Rynders, of the 152nd district, moved to amend the Substitute Bill to further expand the scope of the Bill by adding a provision: "to require legislative approval for the creation, consolidation, suspension, or discontinuation of a technical college or institution under the State Board of Technical and Adult Education."³⁴ This Amendment was adopted.³⁵

Thereafter, Representative Millar, of the 79th district, moved to amend the Committee Substitute further by striking the language found in lines 2 through 4 and inserting in lieu thereof the following: "provide for preparatory tests for college entrance exams; to."³⁶ Additionally, Representative Millar's motion proposed to insert after "position;" on line 7 the following: "to provide that a public school student can attend any school in the local school system under certain conditions; to provide for continued attendance at such school; to provide for statutory construction."³⁷ Representative Millar's motion also proposed to strike all language found under §§ 2 and 3 and to insert in lieu thereof "Reserved."³⁸ The final proposition in Representative Millar's motion was to insert a new subsection, under the heading of "§ 5A," which would further amend Title 20 by adding a new Code section in Part 13 of Article 6 of Chapter 2, which relates to organization of schools and school systems under the "Quality Basic Education Act."³⁹

After a roll call, the House voted on Representative Millar's proposed Amendment to Senate Bill 231, and the Amendment

34. *JOURNAL OF THE HOUSE*, 150th Gen. Assem., 1st Reg. Sess., at 5338 (Ga. Mar. 26, 2009), available at http://www.legis.state.ga.us/legis/2009_10/house/clerk/09Journals/Day%2040.pdf (last visited Mar. 22, 2010) [hereinafter *HOUSE JOURNAL*: Apr. 3, 2009].

35. See S.B. 231 (as passed by House). The preamble to the Bill provides "To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as . . . to require legislative approval for the creation, consolidation, suspension, or discontinuation of a technical college or institution under the State Board of Technical and Adult Education . . .".

36. *HOUSE JOURNAL*: Apr. 3, 2009, *supra* note 34, at 5339.

37. *Id.*

38. *Id.*

39. *Id.*

was adopted.⁴⁰ Thereafter, Representative Hembree moved to further amend the Committee Substitute to Senate Bill 231 by inserting after “amount;” on line 9 the following language: “to change the name of the State Board of Technical and Adult Education to the State Board of the Technical College System of Georgia; to amend various provisions of the Official Code of Georgia Annotated to change references to reflect such name change.”⁴¹ The substantive language of Representative Hembree’s Amendment would be inserted under subheading “§ 6A,” after line 166 of the Bill.⁴² The House adopted Representative Hembree’s Amendment to the Committee Substitute for Senate Bill 231 without any objection.⁴³ This Amendment was also adopted.⁴⁴

After the House heard all proposed substitutions, amendments, and motions from the Committee and Representatives of the House, they adopted the Committee Substitute without any objection.⁴⁵ Furthermore, the report of the Committee, which was favorable to the passage of the Bill by Substitute, was agreed to, as amended, without objection.⁴⁶

A letter from Representative Bobby Franklin of the 43rd District, to the House, indicated his position that it would have been a violation of his oath to have voted to pass the proposed version of Senate Bill 231 pursuant to Article III, Section V, Paragraph III of the Constitution of Georgia; “no Bill shall pass which refers to more than one subject matter. . .”⁴⁷ This letter bears a certain significance when one considers the original form that Senate Bill 231 had, when Senator Weber first submitted it to the Senate.⁴⁸ The original form of the Bill,

40. *General Assembly Video Archive: House Session Party IIP*, *supra* note 22.

41. *HOUSE JOURNAL*: Apr. 3, 2009, *supra* note 34.

42. *Id.*

43. *General Assembly Video Archive: House Session Part IIP*, *supra* note 22.

44. *See* S.B. 231 (as passed by House).

45. *Id.*; *See* Ga. S.B. 231 (as passed by House).

46. *General Assembly Video Archive: House Session Party IIP*, *supra* note 22.

47. *HOUSE JOURNAL*: Apr. 3, 2009, *supra* note 34, at 5344; *see also* GA. CONST. art. III, § 5, para. 3.

48. Ga. S.B. 231 (as introduced).

which the Senate adopted and passed, only dealt with one subject matter: the establishment and implementation framework of the PROMISE III Teacher's Scholarship.⁴⁹

However, after the adoption of the House Substitute and the amendments that followed, the original scope of Senate Bill 231 was far greater than that of its original version. In fact, Senate Bill 231, as adopted and passed by the House on July 3, 2009, includes provisions from several bills introduced during the 2009 Session, including the following⁵⁰:

House Bill 547⁵¹: This section requires that in the event that state funding is provided for school systems to offer the PSAT, such funding must also be made available for purposes of offering the ACT PLAN assessment.⁵² It is to be the choice of each student as to which preparatory assessment he or she takes.⁵³ This provision is reflected in § 1 of the House Substitute Passed/Adopted version of Senate Bill 231.⁵⁴

House Bill 280 (as introduced)⁵⁵: This section removes the sunset provision from the Georgia Master Teacher Program.⁵⁶ This provision is reflected in § 1 of the House Substitute Passed/Adopted version of Senate Bill 231.⁵⁷

49. *Id.*; See also S.B. 231, 150th Gen. Assem., 1st Reg. Sess. (Ga. 2009) (as passed by Senate) available at http://www.legis.state.ga.us/legis/2009_10/versions/sb231 (last visited Mar. 22, 2010).

50. Rachel Moore, Sen. B. 231 Research Summary (Apr. 3, 2009) (unpublished legislative research summary on file with the office of Senator Weber).

51. H.B. 547, 150th Gen. Assem., 1st Reg. Sess., (Ga. 2009), available at http://www.legis.state.ga.us/legis/2009_10/pdf/hb547.pdf (last visited Mar. 22, 2010).

52. *Id.*

53. *Id.*

54. Ga. S.B. 231 (as passed by House).

55. S.B. 280, 150th Gen. Assem., 1st Reg. Sess., (Ga. 2009), available at http://www.legis.state.ga.us/legis/2009_10/pdf/sb280.pdf (last visited Mar. 22, 2010).

56. *Id.*

57. Ga. S.B. 231 (as passed by House).

Senate Bill 219⁵⁸: This legislation establishes that an educator who has earned a leadership degree in conjunction with a leadership preparation program approved by the Professional Standards Commission, after July 1, 2010, will not have his or her placement on the salary schedule based on this degree, unless he or she is in a leadership position as defined by the State Board of Education.⁵⁹ The educator will be placed on the salary schedule that fits their position, minus the leadership degree.⁶⁰ This will not apply to an educator who had a leadership degree before July 1, 2010, regardless of whether or not the educator held a leadership position.⁶¹ This provision is reflected in Section 5 of the House Substituted Passed/Adopted version of Senate Bill 231.⁶²

House Bill 251⁶³: This Bill adds a new code section to allow a student in a local school system the ability to transfer to another public elementary or secondary school.⁶⁴ The school must be located within the system in which they reside or the system that the local board has assigned to them.⁶⁵ The school must have classroom space available after its assigned students have been enrolled and the parent will assume the responsibility and cost of transferring the student to and from school.⁶⁶ The student can attend the school of their choosing until they complete all grades of the chosen school. This will take effect starting with the 2010-2011 school year.⁶⁷ No later than July 1, 2010, all local school systems will have a universal streamlined process developed that will be available to all students to

58. S.B. 219, 150th Gen. Assem., 1st Reg. Sess., (Ga. 2009), *available at* http://www.legis.state.ga.us/legis/2009_10/pdf/sb219.pdf (last visited Mar. 22, 2010).

59. *Id.*

60. *Id.*

61. *Id.*

62. Ga. S.B. 231(as passed by House).

63. H.B. 251, 150th Gen. Assem., 1st Reg. Sess., (Ga. 2009), *available at* http://www.legis.state.ga.us/legis/2009_10/pdf/hb251.pdf (last visited on Mar. 22, 2010).

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

implement the transfer requirements.⁶⁸ This will not affect any students who attend another school, other than the one the student was assigned, because of transfer authorized under the No Child Left Behind Act.⁶⁹ This provision is reflected in Section 5A of the House Substitute Passed/Adopted version of Senate Bill 231.⁷⁰

House Bill 301⁷¹: This Bill changes the name of the State Board of Technical and Adult Education to the State Board of the Technical College System of Georgia.⁷² This provision is reflected in Section 6A of the House Substitute Passed/Adopted version of Senate Bill 231.⁷³

After the House passed/adopted the House Substitute to Senate Bill 231, Senator Weber has offered another amendment to the Bill.⁷⁴ Essentially, this newly amended version holds only the original provisions, as presented to the Senate, and includes a provision to change the name of the State Board of Technical and Adult Education to the State Board of the Technical College System of Georgia.⁷⁵ However, no action has been taken in regard to Sen. Weber's offered amendment.⁷⁶ Since Senate Bill 231, having received the requisite constitutional majority vote, was passed by Substitute as amended in the House of Representatives on April 3, 2009, there has been no further activity pertaining to this Bill.⁷⁷

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68. *Id.*

69. Ga. H.B. 251.

70. Ga. S.B. 231(as passed by House).

71. H.B. 301, 150th Gen. Assem., 2d Reg. Sess., (Ga. 2009), *available at* http://www.legis.state.ga.us/legis/2009_10/pdf/hb301.pdf (last visited Mar. 22, 2010).

72. *Id.*

73. Ga. S.B. 231(as passed by House).

74. H.B. 251, 150th Gen. Assem., 1st Reg. Sess., (Ga. 2009) (Sen. Weber Floor Amend.), *available at* http://www.legis.ga.gov/legis/2009_10/versions/sb231_Floor_amend_1_to_House_sub_AM_33_0857_7.htm (last visited (Mar. 22, 2010).

75. *Id.*

76. S.B. 231 Status Sheet, *supra* note 3.

77. *Id.*