Georgia State University Law Review

Volume 1
Issue 2 *Spring 1985*

Article 27

5-15-2012

EDUCATION Quality Basic Education Act: Enacted

Georgia State University Law Review

Follow this and additional works at: http://digitalarchive.gsu.edu/gsulr

Part of the Law Commons

Recommended Citation
Georgia State University Law Review (1984) "EDUCATION Quality Basic Education Act: Enacted," *Georgia State University Law Review*: Vol. 1: Iss. 2, Article 27.
Available at: http://digitalarchive.gsu.edu/gsulr/vol1/iss2/27

This Peach Sheet is brought to you for free and open access by the College of Law Publications at Digital Archive @ GSU. It has been accepted for inclusion in Georgia State University Law Review by an authorized administrator of Digital Archive @ GSU. For more information, please contact digitalarchive@gsu.edu.

EDUCATION

Quality Basic Education Act: Enacted

CODE SECTIONS:	O.C.G.A. §§ 20-2-130 — 20-2-329.2 (amended)
BILL NUMBER:	SB 82
ACT NUMBER:	770
SUMMARY:	The Quality Basic Education Act extensively revises the public education system in Georgia.
EFFECTIVE DATE:	July 1, 1986

History

There have been three major revisions of the public education system since 1951. Under the leadership of Governor Talmadge, the Legislature passed the Minimum Foundation Program, which gradually eliminated one teacher schools and closed the gap between funding for black and white schools.[1] In 1973 under Governor Carter, the General Assembly overhauled the system again by enacting the Adequate Program for Education in Georgia (APEG).[2] The aim was to "shape the future of education in Georgia for at least the next ten years."[3] In November, 1984, Governor Harris' Education Review Commission made recommendations following a two year study. The Commission's exhaustive study and its report provided the foundation for education reform by the 1985 General Assembly. The purpose of the Act is to provide "quality basic education" (QBE).

SB 82

The Quality Basic Education Act is programmatic and changes most of the State's educational policies. Four changes are examined.

First, teachers who are currently certified will be tested for competency and have their job performance evaluated when they seek renewal of their teaching certificate. Administrators will be evaluated in a similar manner.[4] The Attorney General has indicated that a teacher may not seek

1. A HISTORY OF GEORGIA 377 (K. Coleman ed. 1977).
2. O.C.G.A. §§ 20-2-130 — 20-2-311 (1982).
3. APEG: Adequate Program for Education in Georgia, REPORT OF THE MINIMUM FOUNDATION PROGRAM OF EDUCATION STUDY COMMITTEE 9 (Dec. 1973).
4. O.C.G.A. § 20-2-200(b) (Supp. App. 1985) (O.C.G.A. § 20-2-202 provides that teachers with a life certificate are exempt from competency tests and performance

Produced by The Berkeley Electronic Press, 1984

HeinOnline -- 1 Ga. St. U. L. Rev. 306 1984-1985

early renewal to avoid the competency test.[5] There are only five states that have attempted a re-examination of competence.[6] No appellate court has addressed the issue.

Second, students will generally be admitted to the first grade only after passing a readiness test.[7] This provision is unique to Georgia. Since testing experts have had little experience with the validity of such tests for young children, it may be difficult to assure a reliable assessment of a child's readiness to enter first grade.

Third, the Act adopts a weighted funding formula for the distribution of State dollars to children based on their educational needs.[8] For example, if a child is in a program for self-contained severely handicapped children, a school system will receive 3.897 times the basic amount allocated to a nonhandicapped child in the fourth through eighth grades.[9] This approach to educational finance will doubtlessly lead to a sharpening of categorical definitions as it creates an economic incentive to place students into a category in which there is a higher reimbursement.

Fourth, the Act is designed to give students equal access to educational resources regardless of the wealth of their county of residence.[10] Since *McDaniel v. Thomas*,[11] the General Assembly has been under a mandate to provide a more equitable revenue base than property tax to fund public education.[12] Similarly, the Supreme Court commented in *San Antonio School District v. Rodriguez*,[13] "The need is apparent for reform in tax systems which may well have relied too long and too heavily on the local property tax."[14] The Act represents an effort to equalize tax sources for educational funding.

The intent of the Act is to define the role and responsibility of the

---

assessments.)

5. 1985 Op. Att'y Gen. No. 85-25.

6. Interview with Jim Mullins, Director of the Education Improvement Council in Atlanta (April 15, 1985) (Tennessee, South Carolina, Arkansas, Florida and Texas).

7. O.C.G.A. §§ 20-2-151(b)(2)(B) and 20-2-281(a) (Supp. App. 1985). (However, no child is required to spend more than two years in a kindergarten program.)

8. O.C.G.A. § 20-2-161 (Supp. App. 1985).

9. O.C.G.A. § 20-2-161(b) (Supp. App. 1985).

10. O.C.G.A. § 20-2-180(a) (Supp. App. 1985).

11. 248 Ga. 632, 285 S.E.2d 156 (1981).

12. *Id.* at 648, 285 S.E.2d at 168.

> Our holding that the current system of financing public education in Georgia is not unconstitutional should not be construed as an endorsement by this court of the status quo. Constitutions are designed to afford *minimum protections* to society. Plaintiffs have shown that serious disparities in educational opportunities exist in Georgia and that legislation currently in effect will not eliminate them. It is clear that a great deal more can be done and needs to be done to equalize educational opportunites in this state. For the present, however, the solutions must come from our lawmakers.

13. 411 U.S. 1 (1973).

14. *Id.* at 58.

HeinOnline -- 1 Ga. St. U. L. Rev. 307 1984-1985

state and local government in providing public education and to promote the development of accountability at every level of the public education system.[15] For example, the State Board of Education was given the power to bring a cause of action to determine whether a local school board member or local superintendent of education should be removed for failure to implement state board-approved corrective plans.[16]

The Act does not become effective until July 1, 1986, and certain provisions, such as the first grade testing program, are not mandatory until 1988.[17] Most of the details of the reform are left to the State Board of Education to implement. Other programs which require new appropriations will be implemented only as funds become available and are allocated to them.

15. O.C.G.A. §§ 20-2-131 and 20-2-132 (Supp. App. 1985).
16. O.C.G.A. § 20-2-283(d)(2) (Supp. App. 1985).
17. O.C.G.A. § 20-2-151(b)(2)(B) (Supp. App. 1985).

HeinOnline -- 1 Ga. St. U. L. Rev. 308 1984-1985