



# **2023 LEGISLATIVE GUIDANCE**



## Introduction

This guidance document overviews the 2023 Georgia General Assembly legislation that expressly impacts state charter schools. Although this guidance contains recommendations for implementation, it is not and should not be construed as legal advice. Schools are encouraged to consult independent legal counsel for implementation guidance specific to their instructional models. The legislative summaries herein are not comprehensive. Schools are encouraged to access the embedded links to review the full text of the cited laws.

Schools should also remain aware of legislation or amendments that apply to state charter schools but whose applicability is not explicitly stated. When general legislation is determined applicable to state charter schools, the State Charter Schools Commission of Georgia (SCSC) will issue updated guidance. Finally, schools should pay particular attention to the effective dates of any applicable legislation. State charter schools are accountable for compliance with applicable legislation on the date it becomes effective. State charter schools should maintain documentation of compliance for SCSC monitoring purposes.

# Legislative Changes Impacting State Charter School Operations

## Safe Schools Act

**Effective: July 1, 2023**

**Reference: [HB 147](#)**

*Summary:* The Safe Schools Act (Act) requires the Georgia Professional Standards Commission (PSC), in consultation with the Georgia Emergency Management and Homeland Security Agency (GEMA), to create a school safety and anti-gang endorsement that is available to eligible certificated professional personnel upon the completion of required training. In addition, the Act adds the following requirements to existing school safety plan obligations:

- adds GEMA to the list of agencies to which school safety plans must be submitted;
- adds “school administrators” to the list of personnel with whom drills should occur; and,
- requires public schools to conduct intruder alert drills<sup>1</sup> based on GEMA guidance by October 1st of each school year.

*Implementing Guidance:* The school should be aware of the availability of the endorsement to eligible personnel; the addition of school administrators participating in intruder alert drills; requirements to report intruder alert drills to GEMA; and the option to allow parents and guardians to opt their child out of participating in intruder alert drills. The school should maintain documentation of compliance for SCSC monitoring purposes.

## Edna Mae McGovern Act

**Effective: July 1, 2023**

**Reference: [HB 402](#)**

*Summary:* The Edna Mae McGovern Act requires public schools to annually provide water safety education<sup>2</sup> information to parents and guardians of students under 18 years of age and directly provide the information to students 18 or older. At the beginning of each school year, public schools shall provide parents and

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<sup>1</sup> The act defines “intruder alert drill” as “a set of procedures designed to familiarize the occupants of a building with ways to protect themselves against potential threats posed by an intruder who possesses or is suspected of possessing a weapon, as defined in Code Section 20-2-742.”

<sup>2</sup> The Act defines water safety education as “education intended to promote safety in, on, and around bodies of water and reduce the risk of injury or drowning.”

guardians with either electronic or hard copy information on the role of water safety education courses and swimming lessons in saving lives. The information should include options for age-appropriate water safety education courses, swimming lessons, and the availability of free or reduced-priced courses and lessons. The Act does not require schools to provide water safety education courses or swimming lessons to students or excuse students from all or part of the school day to attend water safety education courses or swimming lessons.

*Implementing Guidance:* The school should be aware of its obligation to provide information on water safety courses and swimming lessons to families and students over 18 years old and establish a process to gather and disseminate the information at the beginning of the school year to relevant parties per the statute. The school should maintain documentation of compliance for SCSC monitoring purposes.

## **A.J.'s Law**

**Effective: July 1, 2023**

**Reference: [SB 45](#)**

*Summary:* A.J.'s Law requires parents of students with epilepsy or a seizure disorder to complete and submit a seizure action plan<sup>3</sup> to the school to receive support and services for the student at school or a school-related event. The school must designate trained staff to implement the services in the seizure action plan. The seizure action plan should be submitted at the beginning of the school year or as soon as practicable following the student's diagnosis of epilepsy or a seizure disorder; or any change to such diagnosis and treatment plan. The Act details what should be included in the seizure action plan. Schools should review the seizure action plan upon a student's enrollment, and a school nurse or trained seizure action plan personnel should be onsite at each school where a student with a seizure action plan is enrolled and should be available during regular school hours to provide support and services according to the plan. By August 1, 2023, the Department of Education shall develop a model seizure action plan form and guidelines for training school nurses and employees in implementing seizure action plans.

*Implementing Guidance:* The school should be aware of its obligation to receive, review and implement any seizure action plans submitted by parents or guardians. The school should also designate the appropriate staff to be trained to carry out the support and services outlined in the seizure action plan. A.J.'s Law does not release the school from providing services otherwise required under federal special education laws. The school should maintain documentation of compliance for SCSC monitoring purposes.

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<sup>3</sup> A seizure action plan is defined in the statute as "a document developed by the parent or guardian of a student being treated for epilepsy or a seizure disorder and the physician responsible for the student's epilepsy or seizure disorder treatment."

## Georgia Early Literacy Act

**Effective: July 1, 2023**

**Reference: [HB 538](#)**

*Summary:* The Georgia Early Literacy Act allows the State Board of Education (the Board) to establish policies, rules, and regulations necessary to implement uniform grade-appropriate metrics for measuring literacy. By January 1, 2024, the Board will approve high-quality instructional materials to teach reading to kindergarten through third-grade students and establish procedures for public schools to certify annually to the Department of Education (the Department) that the school's instructional materials and content are high-quality. Under the Act, the Department will approve a list of universal reading screeners for use by public schools no later than July 1, 2024. The State Board of Education will approve providers of universal reading screeners for public school use and publish the provider list on the Department's website by August 1, 2024. The Department of Education will develop or procure a training program on the science of reading, structured literacy, and foundational literacy skills for kindergarten through third-grade teachers. The Act details the instructional support public schools should provide kindergarten through third-grade teachers and requires public schools to implement tiered reading intervention plans for kindergarten through third-grade students. Additionally, the Act provides timelines by which schools should administer a universal screener to kindergarten through third-grade students, approve high-quality instructional materials for kindergarten through third-grade students, and certify approval of the selected instructional materials to the Department of Education.

*Implementing Guidance:* The school should be aware of its obligations to administer a universal reading screener to each kindergarten through third-grade student beginning August 1, 2024, approve high-quality instructional materials for students in kindergarten through third grade by December 1, 2024, and certify to the Department that the school's locally approved instructional materials and content are high-quality instructional materials as defined by the Act and approved by the State Board of Education by December 15, 2024, and by August 1 of each subsequent year. The school should maintain documentation of compliance for SCSC monitoring purposes.

## Additional Legislative Updates

### Ready to Use Glucagon in Public and Private Schools

**Effective: July 1, 2023**

**Reference: [HB 440](#)**

*Summary:* A summary of HB 440 is provided for awareness purposes. HB440 authorizes public and private schools to stock a supply of undesignated ready-to-use glucagon.<sup>4</sup> The legislation provides that public or private schools in the state *may* acquire and stock a supply of undesignated ready-to-use glucagon. Schools electing to stock a supply of undesignated ready-to-use glucagon should designate a trained employee or agent responsible for storing, maintaining, and distributing the ready-to-use glucagon. Schools may arrange with manufacturers or suppliers to obtain ready-to-use glucagon free, at a fair market or a reduced price. By July 1, 2023, the State Board of Education, in consultation with the Department of Public Health, shall adopt regulations as necessary to implement the legislation.

## Daily Duty-Free Planning Periods for Teachers in Grades Kindergarten through Twelve

**Effective: July 1, 2023**

**Reference: [HB 340](#)**

*Summary:* A summary of HB 340 is provided for awareness purposes. This legislation revises Code Section 20-2-218 relating to the duty-free lunch period to add the definition of a planning period<sup>5</sup>. The law provides that every kindergarten through twelfth-grade teacher employed for more than one-half of the class periods of the regular school day shall receive a daily planning period. The planning period should be included in the number of hours worked. The statute does not prevent any teacher from exchanging their planning period for any mutually agreed upon compensation or benefit.

New Code section 20-14-97 was added to provide an appeal process for schools in case of a dispute between an accrediting agency and a public school.

## Education Accrediting Agencies

**Effective: July 1, 2023**

**Reference: [SB 204](#)**

*Summary:* A summary of SB 204 is provided for awareness purposes. This legislation amends Code section

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<sup>4</sup> The legislation defines undesignated ready-to-use glucagon as “a glucagon rescue therapy approved by the United States Food and Drug Administration prescribed in the name of a school that does not require reconstitution for the treatment of severe hypoglycemia in a dosage form that can be rapidly administered to the patient in an emergency, to include prefilled injectable or nasally administered glucagon.”

<sup>5</sup> A planning period is “a block of time when a teacher is not responsible for the direct supervision of student safety or conduct or for providing instruction to students and is responsible for participating in activities that are part of the established duties of a teacher, including, but not limited to, instructional lesson design, grading and assessment, data analysis of student achievement, and growing skills and knowledge in the profession of teaching.

20-14-96 relating to education accountability by defining an accrediting agency, public school, and recognized accrediting agency. The legislation provides requirements for recognition as an evaluator of the quality of education offered in public schools by any state entity. Nothing in the statute requires public schools to be accredited or prohibits accrediting agencies from adopting evaluation criteria and procedures not provided for in this statute. If an accrediting agency adopts criteria inconsistent with provisions in this statute, then the agency may not be deemed a recognized accrediting agency.

## **Eligible Students Participating in Dual Enrollment Program to Access HOPE Grant Funds for Certain CTAE Courses**

**Effective: July 1, 2023**

**Reference: [SB 86](#)**

*Summary:* A summary of SB 86 is provided for awareness purposes. The legislation pertains to financing under the “Quality Basic Education Act” and allows students participating in the Dual Enrollment program to access HOPE grant funds for certain CTAE courses. Beginning July 1, 2023, students in the Dual Enrollment program provided for in Code Section 20-2-161.3 who are eligible for a HOPE grant shall be allowed to access HOPE grant funds for eligible CTAE courses as defined in Code Section 20-2-161.3 regardless of whether the students have reached any maximum credit hour cap. For three years, beginning on July 1, 2023, the Georgia Student Finance Commission, in collaboration with the Technical College System of Georgia, will collect and report on certain data required by the legislation. The legislation shall stand repealed on June 30, 2026.