



AT ISSUE STATE EDITION



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The 2017 Legislative Session of the Georgia General Assembly adjourned *Sine Die* (Latin for "without day") on March 30, 2017. The session ended with many bills on the table and in committee, available for study during the interim and further consideration in the 2018 Legislative Session.

With *At Issue*, we use the time between sessions to examine more closely the issues facing Georgia and its General Assembly. In this, the first State Edition, we will take a look at education reform, criminal justice reform and our efforts to anticipate the challenges posed by the Base Realignment and Closure Commission (BRAC) process. Our first Federal Edition will be coming out soon.

I do want to take a point of personal privilege to thank the members of both the House of Representatives and the Senate for their hard work during the 2017 Legislative Session. Our greatest successes came about when we worked together collaboratively, embracing the tension envisioned by the Founding Fathers and using constructive criticism to refine our legislative work. There is a fine line between passion and pride, and it is at that line where many bills either pass or fail.

I hope you find this edition of *At Issue* interesting and useful. If you have topics you would like for us to cover in future editions, please send me an email.

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Education and Youth

Continuing Education Reforms: Charter School Funding and Turnaround Schools

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This year, in an effort to improve education, the General Assembly not only addressed the disparity in charter school funding, but it also raised the standards for charter school approval. The legislature also developed a plan to identify and address the root causes of failing public schools.

Education Reform Commission Recommendations

In 2015, Governor Deal appointed an Education Reform Commission to conduct a comprehensive review of the education system in Georgia and to provide recommendations for improvement. House Bill 430, adopted by the General Assembly in the 2017 Legislative Session and signed by Governor Deal on April 27, 2017, implemented various recommendations made by the Commission regarding charter schools.

For example, the State Board of Education and the State Charter Schools Commission must now implement standards – what the legislation terms “a code of principles” – for authorizing charter schools. These principles must establish high academic, financial, and operational performance standards for charter schools. The State Board must also have an independent party annually review local boards of education to determine whether the implemented principles are being followed.

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Additionally, since the Governor’s 2015 Commission recognized the disparity in funding between charter schools and public schools, House Bill 430 now requires the Department of Education to ensure that each charter school receives the proportional amount of funds it is eligible for under federal programs. House Bill 430 also creates a grant program for charter schools in order to provide facility funding more comparable to traditional public schools. However, this grant program is subject to appropriation and currently no funds have been allocated for this purpose.

One of the greatest challenges charter schools face during their creation is access to facilities. Local boards of education are already required by law to make unused facilities available to charter schools under certain conditions. In an effort to increase access to affordable facilities, this bill defines ‘unused facilities’ as the real property of a local board of education, including educational facilities, which have not been used by the local board of education for the previous two years and which are not included in the local school system’s five-year educational facilities plan. Previously, this term was left undefined in the Code, which led to various interpretations by public and charter schools. House Bill 430 entitles local charter schools to a hearing before the local board of education before it is denied the use of an unused facility.

School Performance

In the 2016 general election, a proposed constitutional amendment – the “Opportunity School District” – was defeated by Georgia voters. Its passage would have allowed the State to assume, supervise, manage, and operate failing public elementary and secondary schools. In the wake of its defeat, and in an effort to address the crisis of failing schools in Georgia, the legislature passed House Bill 338, known as the “First Priority Act – Helping Turnaround Schools Put Students First.” Governor Deal signed this bill into law on April 27, 2017.

Under House Bill 338 the State’s lowest performing schools (defined as those institutions that have performed in the lowest five percent of schools in Georgia according to the state-wide accountability system) are appointed “coaches” by the newly-created office of Chief Turnaround Officer.

These coaches will conduct individual assessments of students to identify low-performing students and provide them with academic support and enrichment activities. Additionally, third-party specialists must conduct an on-site evaluation of the failing school in order to determine the root causes of the low-performance. Based on this evaluation, and after public input, an intensive school improvement plan will be developed. Schools are given three years to implement the improvement plan, after which continued low performance might result in the removal of school personnel; the implementation of a charter school; complete reconstitution of the school; operation of the school by a nonprofit; or relocation of the student to another school within the local school system.

House Bill 338 also creates an Education Turnaround Advisory Council to provide advice and recommendations on turnaround resources, assessment tools, and the appointment of Chief Turnaround Officer and coaches. House Bill 338 creates two Joint Study Committees, one on the establishment of a State accreditation process and another on the establishment of a leadership academy for school leaders. It also provides for the suspension of local board of education members in schools failing in excess of five years.

These reforms take an important step to improve the State’s public education system and show that the General Assembly’s dedication to providing Georgia’s youth with high-quality education remains steadfast. Both bills take effect on July 1, 2017. - *MA*



House Bill 430 signing ceremony on April 27, 2017

Source: Governor Deal Photo Gallery

Judiciary

From Crisis to Corrected

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Georgia’s History on Criminal Justice Reform

When Governor Deal took office six years ago, he was determined to tackle Georgia’s struggling criminal justice system. Not only was Georgia’s incarceration rate the fourth highest in the nation, the state’s stubborn recidivism rate showed no signs of a decrease, and taxpayers were facing an estimated \$264 million in additional corrections costs annually. Georgia’s criminal justice system was in crisis.

In response, the 2011 General Assembly passed House Bill 265, creating the Special Council on Criminal Justice Reform for Georgians. The 13-member council conducted a comprehensive study of the state’s adult correctional system, offering policy recommendations aimed primarily at improving Georgia’s rising incarceration rate, reducing victimization, holding offenders more accountable, enhancing probation and parole supervision, improving rehabilitation, and reducing state expenses. These recommendations were reflected in House Bill 1176, which passed in 2012 and was followed by the passage of a juvenile justice reform bill, House Bill 242, the following year.

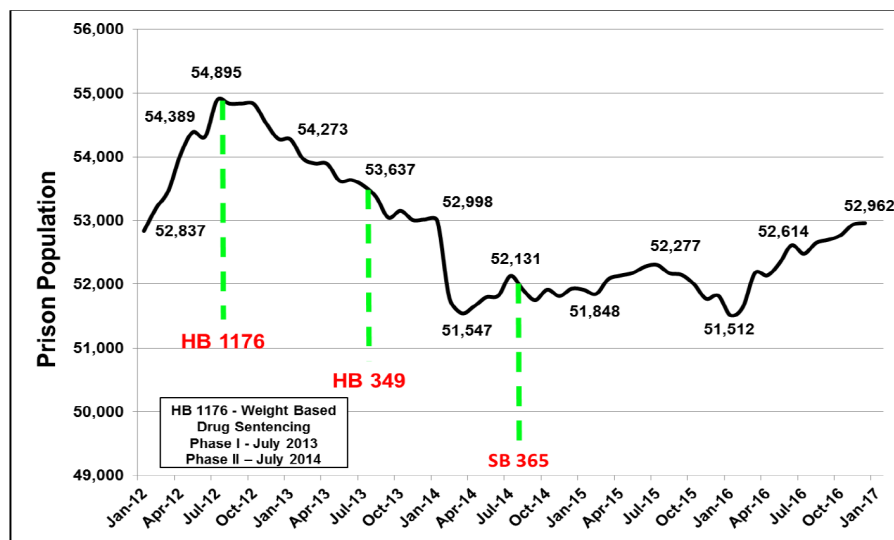
The success of these measures led the General Assembly to pass House Bill 349 in 2013, creating the Georgia Council on Criminal Justice Reform. The council is charged with tackling broader and more complex reform efforts, and its policy recommendations have served as the basis for additional criminal justice reform bills since its creation.

Superior Success of Governor Deal’s Reform Efforts

As a result of Governor Deal and the General Assembly’s unwavering commitment to keeping Georgians safe, holding offenders accountable, and saving taxpayer dollars, Georgia’s criminal justice system has seen tremendous success. Remarkably, the state now leads the country in successful prison reform. In a 2015 interview, Governor Deal indicated that Georgia’s efforts have not gone unnoticed, noting, “Our staff has been contacted by staff in other states wanting to know what we’re doing and if they can use it in their states.”

According to the council’s 2017 report, Georgia’s prison population, jail backlog, and annual prison commitments have all seen recent declines. Additionally, the state’s prison composition has shifted — today, 67 percent of the prison population is comprised of Georgia’s most serious offenders, much higher than the rate in recent years. Nonviolent offenders are being diverted to various accountability courts (i.e. drug courts, mental health courts, and veteran’s courts) within the state, and participation in these courts has increased 147 percent from 2013 to 2016. Further, the state has saved more than \$47 million in corrections costs, which has allowed for significant reinvestment in accountability courts, vocational training, and other substance abuse treatment programs. Youth confinements and commitments continue to decrease as well.

Total Prison Population 2012-Present



Source: February 2017 Report of the Georgia Council on Criminal Justice Reform, citing the Georgia Department of Corrections

A Closer Look at the 2017 Criminal Justice Reform Package

This year’s criminal justice reform package came in the form of Senate Bills 174, 175, and 176, all sponsored by Senator Kennedy of the 18th. The legislation was predicated on reducing recidivism among probationers, improving Georgia’s accountability court system and reentry initiative, allowing for increased judicial discretion relative to juvenile cases, and continuing to reduce the prison population.

According to the council, Georgia has the highest felony probation rate in the country, and over half of supervised felony probationers in the state are considered a low-risk for re-offending. Unfortunately, these low-risk probationers contribute to enormous caseloads and significantly limit probation officers’ ability to supervise those probationers that have a much greater risk of recidivism. Senate Bill 174 allows for the reduction of felony probation sentences by providing probationers with a behavioral incentive date. For defendants sentenced to probation for their first felony offense, the court will set a date — not to exceed three years from the sentence date — on which the defendant’s probation sentence will terminate. Within 60 days of the termination date, if the defendant has paid all restitution owed, has satisfied his or her conditions of probation, and has not been arrested for any subsequent crime, the court will be asked to terminate the defendant’s probation. Additionally, the bill aids in reentry efforts by allowing the Board of Community Supervision to provide educational programs for probationers. Such programs will arm probationers with the education and employment skills most likely to encourage employment and help deter recidivism.

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Senate Bill 175 focuses on the juvenile justice system, giving courts the discretion in delinquency proceedings to issue orders directed at the child's parent. Such an order may require the parent to ensure a child attends school, monitor the child's homework, participate with the child in counseling, or prohibit specific individuals from having contact with the child. Research conducted by the council has demonstrated that the level of parental involvement with a juvenile is directly related to the risk of juvenile delinquency.

The final bill in the trilogy, Senate Bill 176, addresses minor traffic-related violations, providing that individuals who have been issued a traffic citation are entitled to notice prior to the issuance of a bench warrant for failing to appear in court. This legislative measure is expected to reduce the amount of people placed in local jails resulting from their failure to appear or pay fines.

With Georgia's prison population, jail backlog, and annual prison commitments at a sharp decline, accountability court participation and state savings rising, and a sturdy plan in place to drive down recidivism and encourage parental involvement amongst Georgia's youth, the state has made great strides to improve its criminal justice system. - KR



Senate Bill 174, 175 and 176 signing ceremony on May 9, 2017 at the first annual Re-Entry Summit

Source: Governor Deal Twitter

Veterans, Military and Homeland Security

General Assembly Launches a Preemptive Strike Against BRAC!

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Sun Tzu, the ancient Chinese general, military strategist, and philosopher, wrote that "every battle is won or lost before it is ever fought." The General Assembly embraced this sentiment in 2017 by adopting a series of bills aimed at preserving Georgia's eight military bases. If these steps prove successful, then Georgia's military bases will avoid targeting by the Base Realignment and Closure (BRAC) process implemented under the Department of Defense (DOD). The stakes could not be higher for Georgia and its defense community; the state's eight military installations contribute over \$18 billion annually to Georgia's economy.

Background

BRAC is the Congressionally-authorized process the DOD uses to reorganize its base structure to more efficiently and effectively support the military, increase operational readiness, and reduce costs. Bases not closed can potentially face realignment, which is a process that increases or reduces the number of forces located on a given base, or adjusts a base's operations or mission. More than 350 installations have been closed in five BRAC rounds: 1988, 1991, 1993, 1995, and 2005. In the 2005 BRAC round, Georgia lost three installations: Forts Gillem and McPherson in Atlanta; and the Navy Supply Corps School in Athens. Naval Air Station Atlanta in Marietta was also closed in 2009 as a result of the 2005 BRAC, and ownership of its property was transferred to the Georgia Department of Defense, which opened the General Clay National Guard Center at the site.

Military Presence in Georgia

There are eight military installations in Georgia, contributing an estimated \$18 billion to the state's economy each year:

1. Fort Benning: \$5.5 billion;
2. Fort Stewart/Hunter Army Air Field: \$5.2 billion;
3. Robins Air Force Base: \$2.7 billion;
4. Fort Gordon: \$2.1 billion;
5. Marine Corps Logistics Base Albany: \$1.4 billion;
6. Naval Submarine Base Kings Bay: \$707 million;
7. Moody Air Force Base: \$461 million; and
8. Dobbins Air Reserve Base: \$160 million (This figure does not include Lockheed Martin's impact, which jointly occupies the base and relies heavily on the base's runway and control tower).

The review of military bases and other facilities is carried out by an independent nine-member panel known as a BRAC Commission. A BRAC Commission is created by Congress to provide an objective review and analysis of military installations identified by the Pentagon that it recommends closing or realigning. According to the statute governing the BRAC process, the Pentagon must develop a set of criteria based on “an evaluation of the fiscal, local economic, budgetary, environmental, strategic, and operational consequences of such closure or realignment.” Once a Commission selects all the bases to be closed or realigned, Congress must either accept or reject the entire list outright without any changes.

To be sure, the DOD and BRAC Commissions place top priority on the military and strategic importance and capability of an installation, as well as the fiscal consequences of closure and realignment. However, BRAC Commissions also review a host of other criteria, such as environmental implications, surrounding infrastructure, and the quality of the local school systems.

The General Assembly Acts

With the military’s annual \$18 billion contribution to Georgia’s economy potentially on the line, the General Assembly acted swiftly to preserve and protect the state’s eight military bases from closure. One of the most significant changes in the ways states support military installations since the 2005 BRAC round has been a willingness to invest in off-base and on-base infrastructure improvements. Off-base infrastructure includes projects that are intended to support civilian and military personnel, including transportation, schools, and housing. On-base infrastructure includes projects within an installation’s boundaries, such as gate improvements, modernizing utilities, and even transferring public property to a base.

After 2005, several state and local governments benefiting from a realignment and reassignment of forces to their bases invested in local infrastructure to accommodate an influx of civilian and military personnel. Those projects primarily upgraded local road systems and built new schools and ranged from something as simple as a \$250,000 road resurfacing project at Joint Base Cape Cod to the construction of two grade schools in Hawaii totaling nearly \$30 million in State and Federal funding.

One predominant need that defense communities throughout the nation consistently want addressed is the presence of top performing schools in the school districts directly serving military installations. As part of the review of a community’s infrastructure, the Pentagon and BRAC Commissions study the quality of K-12 education in the school districts surrounding military bases. Improving and strengthening these school systems will help preserve a base’s status and may even lead a base being realigned and assigned forces from installations shut down in other states. As such, the General Assembly adopted two bills in 2017, House Bill 139 and House Bill 224, to help strengthen the school systems that serve Georgia’s bases.

A provision in House Bill 139, referred to as the Educating Children of Military Families Act, authorizes the Georgia Department of Education to establish a unique identifier for each student whose parent or guardian is an active duty or reserve member in the military. The identifiers for the students must be created in a manner that allows for disaggregation of data for various categories. Children of military parents deal with unique circumstances, such as overseas redeployments or constantly relocating around the nation, which may require specialized support. This information contained by these identifiers could be used to track the academic progress of these students and provide them with additional support as necessary.

House Bill 224 is a school choice bill that allows the children of military service members stationed at a Georgia base to attend any public school located within the school system where the base or off-base housing is located, as long as there is space available for additional enrollment. The local school systems are required to notify the parents of each military student of the options available to them.

Although it does not directly address improving school systems surrounding military bases, another measure that passed the General Assembly, House Bill 245, does make military transfers to Georgia easier on service members if their spouse is a licensed educator. This accommodating piece of legislation requires the State’s Professional Standards Commission to adopt and implement a process by which military spouses may qualify for temporary educator certification when relocating to Georgia due to their spouse’s military transfer to Georgia.

The legislature also adopted House Bill 470 which establishes the Defense Community Economic Development Fund to provide grants to support counties and cities that are military communities. These grants are subject to appropriations by the General Assembly and must be matched by the requesting local government. With the intention of funding infrastructure projects that enhance a military installation and stimulate economic development in the surrounding area, the purpose of this program is two-fold: to fend off a future BRAC review of Georgia military installations; and to make Georgia bases an attractive destination for any out-of-state military units whose base is slated for deactivation as a result of BRAC.



Fort Stewart’s Diamond Elementary School
Source: Fort Stewart Public Affairs

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The Department of Economic Development will decide on a case-by-case review the amount of each grant and must take into consideration whether the community's proposed project will:

- Further the relationship between the military community and military installation;
- Further the military installation's economic development investment into the military community; or
- Assist in efforts to defend the viability of a military installation from a future BRAC review.



A-10C Warthogs out of Moody Air Force Base
Source: U.S. Air Force

Prepared for an Unknown Future

Although it is unclear when the next BRAC Commission will be formed, the adoption of these bills, as well as a handful of other veteran-friendly bills in 2017, will go a long way in preserving our military bases. The General Assembly has taken a great step in strengthening our military communities and placing Georgia in a much stronger position to not only avoid any base closings, but to entirely avert any scrutiny by a future BRAC Commission. And just as Sun Tzu stressed the importance of winning battles long before they are fought, he also taught us that “the greatest victory is that which requires no battle. – AA

Legislation Creating 2017 Study Committees

JOINT STUDY COMMITTEES

SR 130 - Joint Transparency and Open Access in Government Study Committee

SR 152 - Joint Study Committee on Stream Buffers in Georgia

SR 224 - Joint Study Committee on Storm-Water Management Fees

HB 338 - Joint Study Committee on the Establishment of a State Accreditation Process

HB 338 - Joint Study Committee on the Establishment of a Leadership Academy

SENATE STUDY COMMITTEES

SR 188 - Senate Study Committee on Barriers to Georgians' Access to Adequate Healthcare

SR 222 - Senate Special Tax Exemption Study Committee

SR 352 - Senate Study Committee on Homelessness

SR 392 - Senate Rural Georgia Study Committee

SR 410 - Senate Information Technology Corridors in Georgia Study Committee

SR 412 - Senate Stroke Trauma Center Study Committee

SR 414 - Senate Study Committee on the Utilization and Modernization of the State Capitol and Other Buildings

SR 454 - Senate Cyber Security Education Study Committee

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