

Senate Bill 123

By: Senators Harrell of the 40th, Merritt of the 9th, Davenport of the 44th, Jones II of the 22nd, Jackson of the 41st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to require the State Board of Education to
3 establish facility requirements for temporary classrooms; to provide for plans for converting
4 temporary classroom space to permanent classroom space within five years; to provide for
5 data collection; to provide for required plans of actions; to address certain deficiencies; to
6 provide for a short title; to provide for a definition; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Permanent Classroom Act."

11 **SECTION 2.**

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
13 secondary education, is amended by revising Code Section 20-2-261, relating to common
14 minimum facility requirements, as follows:

15 "20-2-261.

16 (a)(1) The State Board of Education shall establish common ~~minimum~~ facility
17 requirements which each public school facility ~~must~~ shall meet ~~or exceed~~ in order to be
18 certified for use in any component of the educational or recreational program of that
19 school. Such ~~minimum~~ requirements shall include those provisions of law or state board
20 policy on matters that relate to ~~fire and the physical health and safety of school students,~~
21 employees, and visitors; fire; sanitation; plumbing; electrical; and health, including
22 temperature, heating, and ventilation, and air conditioning; minimum space, size, and
23 configuration for the various components of the instructional program; and construction
24 stability, quality, and suitability for intended uses. Such requirements shall include
25 provisions for permanent classrooms, temporary classrooms, and other educational
26 facilities. ~~Such minimum requirements shall not prohibit wood construction that is~~
27 ~~otherwise in compliance with state minimum standard codes as they existed on January~~
28 ~~1, 2014. As used in this subsection, the term 'state minimum standard codes' shall have~~
29 ~~the same meaning as in paragraph (9) of Code Section 8-2-20.~~

30 (2)(A) As used in this Code section, the term 'temporary classroom' means any
31 classroom space that does not meet the requirements to be a permanent classroom, as
32 determined by the State Board of Education, including but not limited to portable
33 classrooms and modular classrooms that are designed to be moved from place to place
34 regardless as to whether or not such classrooms are moved or remain in place.

35 (B) The requirements provided for in paragraph (1) of this subsection relating to
36 temporary classrooms shall specify the following:

37 (i) Maximum useful life of such classrooms;

38 (ii) Maximum allowable distance between such classrooms and a fire hydrant or
39 other suitable source of water sufficient to extinguish fire;

40 (iii) Minimum required number of fire and evacuation exits;

41 (iv) The location, materials, and configuration of the foundation and installation of
42 such classrooms, including specifications which address severe weather events and
43 setback distances from roadways;

44 (v) Requirements for hard surface pathways leading from such classrooms to the
45 school's main facility;

46 (vi) Requirements for coverings, such as an awning, at the entrance of such
47 classrooms;

48 (vii) Minimum required number of windows or similar features which allow natural
49 sunlight into the learning space; and

50 (viii) Minimum required maintenance schedules for each system related to the
51 physical health and safety of school students, employees, and visitors; fire; sanitation;
52 plumbing; electrical; temperature, heating, ventilation, and air conditioning.

53 (3) The requirements provided for in paragraph (1) of this subsection shall not prohibit
54 wood construction that is otherwise in compliance with state minimum standard codes
55 as such existed on January 1, 2014. As used in this paragraph, the term 'state minimum
56 standard codes' shall have the same meaning as provided in paragraph (9) of Code
57 Section 8-2-20.

58 (b)(1) The State Board of Education shall adopt policies and procedures to ensure that
59 each school facility meets the requirements provided for in subsection (a) of this Code
60 section and any other minimum standards as determined by state board policy.

61 (2) The State Board of Education shall adopt policies and procedures for the collection
62 of the following data by each local unit of administration:

63 (A) The total square footage of permanent classroom space in each school;

64 (B) The square footage of permanent classroom space per student in each school;

65 (C) The total square footage of temporary classroom space in each school;

66 (D) The square footage of temporary classroom space per student in each school;

67 (E) The total square footage of permanent classroom space in all schools of the local
68 unit of administration;

69 (F) The square footage of permanent classroom space per student in all schools of the
70 local unit of administration;

71 (G) The total square footage of temporary classroom space in all schools of the local
72 unit of administration; and

73 (H) The square footage of temporary classroom space per student in all schools of the
74 local unit of administration.

75 (3) The State Board of Education shall adopt policies and procedures to ensure that for
76 each temporary classroom in use at any public school of this state as of July 1, 2021,
77 there shall be a written plan for converting the classroom space provided by the
78 temporary classroom into a comparable amount of classroom space in a permanent
79 classroom within five years. The failure to so convert the classroom space within the
80 specified time period shall be deemed a deficiency which shall be included in a plan of
81 action as provided for in subsection (c) of this Code section.

82 (c) A proposed plan of action which includes a list and description of each deficiency and
83 time limits within which such deficiencies are to be corrected ~~must~~ shall be submitted to
84 the State Board of Education for review and approval. Further, the ~~state board~~ State Board
85 of Education shall have the authority, in accordance with Code Section 20-2-243, to
86 withhold all or part of the state funds in support of this part from any local unit of
87 administration refusing or failing to implement the plan of action for deficiency
88 remediation approved by the state board.

89 (d) A local ~~board of education~~ unit of administration shall be exempt from county and
90 municipal assessments and fees for county and municipal building permits and inspections
91 and exempt from county and municipal impact fees."

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SECTION 3.

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