

House Bill 1200

By: Representatives Smith of the 175<sup>th</sup>, Turnquest of the 73<sup>rd</sup> and Dukes of the 161<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the  
2 "Charter Schools Act of 1998," so as to revise extensively and comprehensively; to delete  
3 the legislative intent; to change and add definitions; to clarify differences between local  
4 charter schools and state chartered special schools and between conversion charter schools  
5 and start-up charter schools; to provide that the contents of charter petitions shall be  
6 governed by rules, regulations, policies, and procedures to be promulgated by the State Board  
7 of Education; to change provisions relating to approval or denial of petitions by local boards,  
8 approval or denial of petitions by the state board, operating requirements, control and  
9 management of charter schools, admission and enrollment of students by state chartered  
10 special schools, amendment and renewal of charters, termination of charters, allotment of  
11 state and local funds, and duties of the Office of Charter School Compliance; to provide for  
12 related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Charter  
16 Schools Act of 1998," is amended by striking Code Section 20-2-2061, relating to legislative  
17 intent; Code Section 20-2-2062, relating to definitions; Code Section 20-2-2063, relating to  
18 petitions to establish charter schools; Code Section 20-2-2064, relating to approval or denial  
19 of petitions, granting of charters, and renewal of charters; Code Section 20-2-2065, relating  
20 to operating requirements, control, and management; Code Section 20-2-2066, relating to  
21 admission and enrollment of students; Code Section 20-2-2067, relating to prohibition of  
22 reprisals; Code Section 20-2-2068, relating to charter amendments and terminations; and  
23 Code Section 20-2-2069, relating to the Office of Charter School Compliance, and inserting  
24 in lieu thereof the following:

25 "20-2-2061.

26 ~~It is the intent of the General Assembly to provide a means whereby:~~

1 ~~(1) Local schools may choose to substitute an academic or vocational performance based~~  
 2 ~~contract or academic and vocational performance based contract approved by both state~~  
 3 ~~and local boards of education, called a charter, for state and local rules, regulations,~~  
 4 ~~policies, and procedures and the applicability of the provisions of this title other than the~~  
 5 ~~provisions of this article; and~~

6 ~~(2) Private individuals, private organizations, or state or local public entities (excluding~~  
 7 ~~home study programs or schools; sectarian or religious schools; private for profit schools;~~  
 8 ~~private educational institutions not established, operated, or governed by the State of~~  
 9 ~~Georgia; and existing private schools) may establish a local school which is subject to an~~  
 10 ~~academic or vocational performance based contract or academic and vocational~~  
 11 ~~performance based contract approved by both state and local boards of education, called~~  
 12 ~~a charter, which exempts the local school from state and local rules, regulations, policies,~~  
 13 ~~and procedures and from the provisions of this title other than the provisions of this~~  
 14 ~~article Reserved.~~

15 20-2-2062.

16 As used in this article, the term:

17 (1) 'Charter' means an academic or vocational performance based contract ~~or an~~  
 18 ~~academic and vocational performance based contract~~ approved by the state board. The  
 19 contract may be between ~~the state board,~~ a local board of education, and a charter  
 20 petitioner, the terms of which are approved by the local board of education and by the  
 21 state board, or between the state board and a charter petitioner, the terms of which are  
 22 approved by the state board.

23 (2) 'Charter petitioner' means a local public school, private individual, private  
 24 organization, or state or local public entity ~~which~~ that submits a petition for a charter. The  
 25 term 'charter petitioner' does not include home study programs or schools, sectarian  
 26 schools, religious schools, private for profit schools, private educational institutions not  
 27 established, operated, or governed by the State of Georgia, or existing private schools.

28 (3) 'Charter school' means a public school that is operating under the terms of a charter  
 29 ~~granted by the state board.~~

30 (4) 'Conversion charter school' means a charter school that existed as a public school  
 31 prior to becoming a charter school.

32 ~~(4)~~(5) 'Local board' means a county or independent board of education exercising control  
 33 and management of a local school system pursuant to Article VIII, Section V, Paragraph  
 34 II of the Constitution.

35 (6) 'Local charter school' means a charter school that is operating under the terms of a  
 36 charter between the charter petitioner and the local board.

1 ~~(5)~~(7) 'Local school' means a public school in Georgia ~~which~~ that is under the  
2 management and control of a local board.

3 ~~(6)~~(8) 'Local school system' means the system of public schools established and  
4 maintained by a local board within its limits pursuant to Article VIII, Section V,  
5 Paragraph I of the Constitution.

6 ~~(7)~~ 'Minimum state standards' means such minimum standards as are established by the  
7 state board as a condition of continued state fiscal assistance to a local school system.

8 ~~(8)~~(9) 'Petition' means a proposal to ~~enter into a charter~~ establish a charter school.

9 (10) 'Special school' means a school whose creation is authorized pursuant to Article  
10 VIII, Section V, Paragraph VII of the Constitution.

11 (11) 'Start-up charter school' means a charter school that was not a public school prior  
12 to becoming a charter school.

13 ~~(9)~~(12) 'State board' means the State Board of Education.

14 (13) 'State chartered special school' means a charter school created as a special school  
15 that is operating under the terms of a charter between the charter petitioner and the state  
16 board.

17 20-2-2063.

18 ~~A petition which is submitted by a charter petitioner to a local board or the state board~~  
19 ~~under Code Section 20-2-2064 shall:~~

20 ~~(1) Describe a plan for improvement that addresses how the charter petitioner proposes~~  
21 ~~to improve student learning and meet minimum state standards;~~

22 ~~(2) Outline proposed verifiable academic or vocational performance based criteria or~~  
23 ~~verifiable academic and vocational performance based criteria that will be used during~~  
24 ~~the term of the charter to measure the progress of the charter petitioner in improving~~  
25 ~~student learning and meeting minimum state standards;~~

26 ~~(3) Describe how parents or guardians of students enrolled in the school, as well as the~~  
27 ~~faculty, instructional staff, and the broader community, were and will be directly and~~  
28 ~~substantially involved in developing the petition, developing and implementing the~~  
29 ~~improvement plan, and identifying academic or vocational performance based criteria;~~

30 ~~(4) Describe how the concerns of parents or guardians of students enrolled in the school,~~  
31 ~~faculty, instructional staff, and the broader community will be solicited and addressed in~~  
32 ~~evaluating the effectiveness of the improvement plan;~~

33 ~~(5) Provide for the charter school to be subject to the control and management of the~~  
34 ~~local board of the local school system in which the proposed charter school will be~~  
35 ~~located, as provided in the charter and in a manner consistent with the Constitution;~~

1 ~~(6) Provide for a governing body, the majority of the members of which shall be parents~~  
 2 ~~or guardians of students enrolled in the charter school who are not employed by the~~  
 3 ~~school or by the local school system in which the charter school is located, which shall~~  
 4 ~~be:~~

5 ~~(A) Responsible for carrying out the terms of the charter;~~

6 ~~(B) Subject to the control and management of the local board for that school system,~~  
 7 ~~as provided in the charter and in a manner consistent with the Constitution; and~~

8 ~~(C) Subject to the provisions of Chapter 14 of Title 50 and Article 4 of Chapter 18 of~~  
 9 ~~Title 50;~~

10 ~~(7) For petitions filed by charter petitioners other than a local school, specify whether the~~  
 11 ~~charter petitioner elects that the charter school be organized and operated as a nonprofit~~  
 12 ~~corporation under the laws of this state;~~

13 ~~(8) Provide for personnel matters involving the faculty, instructional staff, and other~~  
 14 ~~employees of the charter school including, but not limited to, employment status,~~  
 15 ~~certification, and evaluation;~~

16 ~~(9) Provide for financial policies and procedures proposed to be followed by the charter~~  
 17 ~~school to assure sound fiscal management and by the local board to assure a predictable~~  
 18 ~~flow of funds to the charter school;~~

19 ~~(10) Specify the proposed duration of the charter, not to exceed five years; and~~

20 ~~(11) Provide for the extent to which the charter school will be subject to the provisions~~  
 21 ~~of this title and state and local rules, regulations, policies, and procedures; provided,~~  
 22 ~~however, that the provisions of this article shall apply to the charter school~~  
 23 ~~notwithstanding any provision in the charter to the contrary.~~

24 The State Board of Education shall promulgate rules, regulations, policies, and procedures  
 25 to govern the contents of a charter petition.

26 20-2-2064.

27 (a) A charter petitioner may seeking to create a conversion charter school must submit a  
 28 petition to the local board of the local school system in which the proposed charter school  
 29 will be located. The local board must by a majority vote approve or deny a ~~complete~~  
 30 petition no later than 60 days after its submission; provided, however, that the local board  
 31 shall not act upon a petition ~~submitted by a local school~~ for a conversion charter school  
 32 until such petition:

33 (1) Has been freely agreed to, by secret ballot, by a majority of the faculty and  
 34 instructional staff members of the petitioning local school at a meeting called with two  
 35 weeks' advance notice for the purpose of deciding whether to submit the petition to the  
 36 local board for its approval; and

1 (2) Has been freely agreed to by a majority of parents or guardians of students enrolled  
 2 in the petitioning public school present at a public meeting called with two weeks'  
 3 advance notice for the purpose of deciding whether to submit the petition to the local  
 4 board for its approval.

5 (b) A charter petitioner seeking to create a start-up charter school must submit a petition  
 6 to the local board of the local school system in which the proposed charter school will be  
 7 located. The local board must by a majority vote approve or deny a petition no later than  
 8 60 days after its submission.

9 (c) A local board shall approve a petition that complies with the rules, regulations,  
 10 policies, and procedures promulgated in accordance with Code Section 20-2-2063 and is  
 11 in the public interest. If a local board denies a petition, it must specifically state the reasons  
 12 for the denial, list all deficiencies with respect to Code Section 20-2-2063, and provide a  
 13 written statement of the denial to the charter petitioner and the state board.

14 (d) The state board may mediate between the local board and a charter petitioner whose  
 15 petition was denied to assist in obtaining local board approval of the petition, but such  
 16 approval must be obtained by majority vote of the local board.

17 20-2-2064.1.

18 (a) The state board shall not approve the charter of a home study program or school,  
 19 sectarian or religious school, private for profit school, a private educational institution not  
 20 established, operated, or governed by the State of Georgia, or an existing private school.

21 (b) The state board may ~~grant a~~ approve the charter ~~to~~ of a charter petitioner whose ~~if the~~  
 22 ~~petition:~~ has been approved by the local board of the local school system in which the  
 23 proposed charter school will be located and the state board finds that the petition complies  
 24 with the rules, regulations, policies, and procedures promulgated in accordance with Code  
 25 Section 20-2-2063 and is in the public interest.

26 (1) ~~Has first been approved by the local board of the local school system in which the~~  
 27 ~~proposed charter school will be located, pursuant to subsection (a) of this Code section;~~

28 (2) ~~For petitions submitted by a local school, has been freely agreed to, by secret ballot,~~  
 29 ~~by a majority of the faculty and instructional staff members of a petitioning local school~~  
 30 ~~at a meeting called with two weeks' advance notice for the purpose of deciding whether~~  
 31 ~~to submit the locally approved petition to the state board;~~

32 (3) ~~For petitions submitted by a local school, has been freely agreed to by a majority of~~  
 33 ~~the parents or guardians of students enrolled at a petitioning local school present at a~~  
 34 ~~public meeting called with two weeks' advance notice for the purpose of deciding~~  
 35 ~~whether to submit the locally approved petition to the state board; and~~

1     ~~(4) The state board finds meets the requirements set forth in Code Section 20-2-2063 and~~  
 2     ~~is in the public interest with respect to the applicability to the proposed charter school of~~  
 3     ~~the provisions of this title and state rules, regulations, policies, and procedures;~~  
 4     ~~provided, however, that the state board shall not grant a charter to a home study program~~  
 5     ~~or school, sectarian or religious school, private for profit school, a private educational~~  
 6     ~~institution not established, operated, or governed by the State of Georgia, or an existing~~  
 7     ~~private school.~~

8     ~~(d)(1)(c)~~ The state board may ~~grant~~ approve a state charter for a special school as  
 9     ~~authorized by Article VIII, Section V, Paragraph VII of the Constitution. When~~ when a  
 10     petition submitted by a charter petitioner for a charter school has been denied by a local  
 11     board of education, ~~the state board may grant such a charter if:~~

12     ~~(A)(1)~~ With respect to a petition that has been denied by a local board of education  
 13     submitted by a local school, such petition has been agreed to on a secret ballot by a  
 14     majority of the faculty and instructional staff of the petitioning local school, at a meeting  
 15     called with two weeks' advance notice for the purpose of deciding whether to submit the  
 16     petition to the state board;

17     ~~(B)(2)~~ With respect to a petition that has been denied by a local board of education  
 18     submitted by a local school, such petition has been agreed to by a majority of the parents  
 19     or guardians of students enrolled at the petitioning local school present at a public  
 20     meeting called with two weeks' advance notice for the purpose of deciding whether to  
 21     submit the petition to the state board; and

22     ~~(C)(3)~~ With respect to a petition submitted by any charter petitioner, the state board finds  
 23     that such petition meets the requirements set forth in Code Section 20-2-2063 and is in  
 24     the public interest ~~with respect to the applicability to the proposed charter school of the~~  
 25     ~~provisions of this title and applicable state rules, regulations, policies, and procedures.~~

26     ~~(2) Notwithstanding the provisions of paragraph (1) of this subsection, the state board~~  
 27     ~~shall not grant a charter to a home study program or school, sectarian or religious school,~~  
 28     ~~private for profit school, private educational institution not established, operated, or~~  
 29     ~~governed by the State of Georgia, or an existing private school.~~

30     ~~(3)(d)~~ The state board may require a local referendum of the qualified voters in all of the  
 31     systems affected by a ~~charter granted~~ state chartered special school created pursuant to this  
 32     subsection (c) of this Code section. Such referendum shall be held at the next regularly  
 33     scheduled general election or as otherwise authorized by the county or counties in which  
 34     the school system is located. Such referendum shall be held for the purpose of deciding  
 35     whether the local board of education shall ~~use~~ provide funds from local bonded  
 36     indebtedness and school tax levies to support such ~~charter school and the~~ state chartered

1 special school. The ballot question shall be approved by the State Board of Education state  
 2 board.

3 20-2-2065.

4 (a) A charter school shall be:

5 (1) A public, nonsectarian, nonreligious, nonprofit school ~~which is also~~ that is not home  
 6 based;

7 (2) Subject to the control and management of the local board of the local school system  
 8 in which the charter school is located, as provided in the charter and in a manner  
 9 consistent with the Constitution, if a local charter school;

10 (3) Subject to the supervision of the state board, as provided in the charter and in a  
 11 manner consistent with the Constitution, if a state chartered special school;

12 ~~(3)(4) Organized If the petition which was the basis for the charter so provided pursuant~~  
 13 ~~to paragraph (7) of Code Section 20-2-2063, organized and operated as a nonprofit~~  
 14 ~~corporation under the laws of this state;~~

15 ~~(4)(5)~~ (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes  
 16 relating to civil rights; insurance; the protection of the physical health and safety of  
 17 school students, employees, and visitors; conflicting interest transactions; and the  
 18 prevention of unlawful conduct;

19 ~~(5)(6)~~ (6) Subject to all laws relating to unlawful conduct in or near a public school; and

20 ~~(6)(7)~~ (7) Subject to an annual financial audit in the manner ~~required of a local school~~  
 21 specified in the petition.

22 ~~(a.1)(b)~~ (b) A charter school shall be subject to the provisions of Part 3 of Article 2 of Chapter  
 23 14 of this title, and such provisions shall apply with respect to charter schools whose  
 24 charters are granted or renewed on or after July 1, 2000.

25 (c) A charter school shall be subject to the financing reporting requirements of Part 4 of  
 26 Article 6 of Chapter 2 of this title and the provisions of Code Section 20-2-320 relating to  
 27 the state-wide comprehensive information system.

28 ~~(b)(d)~~ (d) Except as provided in this article and in the charter, a charter school shall not be  
 29 subject to the provisions of this title or any state or local rule, regulation, policy, or  
 30 procedure relating to schools within the applicable local school system, regardless of  
 31 whether such rule, regulation, policy, or procedure is established by the local board, the  
 32 state board, or the state Department of Education.

33 20-2-2066.

34 (a) A local charter school shall enroll students in the following manner:

1 (1) A local charter school shall enroll any student who resides in the school district in  
 2 which the local charter school is located and who submits a timely application unless the  
 3 number of applications exceeds the capacity of a program, class, grade level, or building.  
 4 In such case, all such applicants shall have an equal chance of being admitted through a  
 5 random selection process; provided, however, that a local charter school shall give  
 6 enrollment preference to such students who reside in the attendance zone in which the  
 7 local charter school is located and may give enrollment preference to a sibling of a  
 8 resident student currently enrolled in the local charter school; and

9 (2) A student who resides outside the school district in which the local charter school is  
 10 located may not enroll in that local charter school except pursuant to a contractual  
 11 agreement between the local boards of the school system in which the student resides and  
 12 the school system in which the local charter school is located. Unless otherwise provided  
 13 in such contractual agreement, a local charter school may give enrollment preference to  
 14 ~~and enroll~~ a sibling of a nonresident student currently enrolled in the local charter school.

15 (b) A state chartered special school shall enroll any student who resides in the attendance  
 16 zone specified in the charter and who submits a timely application unless the number of  
 17 applications exceeds the capacity of a program, class, grade level, or building. In such  
 18 case, all such applicants shall have an equal chance of being admitted through a random  
 19 selection process; provided, however, that a state chartered special school may give  
 20 enrollment preference to a sibling of a student currently enrolled in the state chartered  
 21 special school.

22 ~~(b)(c)~~ A charter school shall not discriminate on any basis that would be illegal if used by  
 23 a school system.

24 ~~(c)(d)~~ A student may withdraw without penalty from a charter school at any time and  
 25 enroll in another local school in the school district in which such student resides. A student  
 26 who is suspended or expelled from a charter school as a result of a disciplinary action taken  
 27 by a charter school shall be entitled to enroll in a local school within the local school  
 28 system in which the student resides, if, under the disciplinary policy of the local school  
 29 system, such student would not have been subject to suspension or expulsion for the  
 30 conduct which gave rise to the suspension or expulsion. In such instances, the local board  
 31 shall not be required to independently verify the nature or occurrence of the applicable  
 32 conduct or any evidence relating thereto.

33 20-2-2067.

34 A local board of education or a school system employee who has control over personnel  
 35 actions shall not take unlawful reprisal against another employee of the school system  
 36 because such other employee is directly or indirectly involved with a petition to establish

1 a charter school. A local board of education or a school system employee shall not take  
 2 unlawful reprisal against an educational program of any school or school system because  
 3 a petition to establish a charter school proposes the conversion of such educational program  
 4 to a charter school. As used in this Code section, the term 'unlawful reprisal' means an  
 5 action taken by a local board of education or a school system employee as a direct result  
 6 of a lawful petition to establish a charter school which action is adverse to another  
 7 employee and which is not lawfully taken in response to any action or behavior of such  
 8 employee or is adverse to an educational program of the school or the school system and:

9 (1) With respect to such other employee, results in one or more of the following:

10 (A) Disciplinary or corrective action;

11 (B) Transfer or reassignment, whether temporary or permanent;

12 (C) Suspension, demotion, or dismissal;

13 (D) An unfavorable performance evaluation;

14 (E) A reduction in pay, benefits, or awards;

15 (F) Elimination of the employee's position without a reduction in force by reason of  
 16 lack of moneys or work; or

17 (G) Other significant changes in duties or responsibilities that are inconsistent with the  
 18 employee's salary or employment classification; or

19 (2) With respect to an educational program, results in one or more of the following:

20 (A) Suspension or termination of the educational program;

21 (B) Transfer or reassignment of the educational program to a less favorable  
 22 department;

23 (C) Relocation of the educational program to a less favorable site within the school or  
 24 school system; or

25 (D) Significant reduction or termination of funding for the educational program, unless  
 26 necessitated by unfunded mandates from federal or state decisions which result in a  
 27 significant reduction in funds available to the local board of education and which result  
 28 in a proportionate loss of funding for all schools in the system.

29 20-2-2067.1.

30 (a) The terms of a charter for a local charter school may be amended during the term of  
 31 the charter upon the approval of the local board, the state board, and a majority of the  
 32 governing body of the charter school. The terms of a charter for a state chartered special  
 33 school may be amended during the term of the charter upon the approval of the state board  
 34 and a majority of the governing body of the charter school.

35 (b) The initial term of a charter shall not exceed five years. The state board may renew a  
 36 charter, upon the request of the governing body of the charter school, for the period of time

1 specified in the request, not to exceed five years. For a local charter school, approval of  
 2 the local board shall also be required to renew a charter.

3 (c) The governing body of a charter school shall provide an annual report to parents or  
 4 guardians, the community, and the state board which indicates the progress made by the  
 5 charter school in the previous year in implementing its charter goals. The governing body  
 6 of a local charter school shall also provide an annual report to the local board.

7 20-2-2068.

8 ~~(a) The state board may declare a charter null and void if~~ shall terminate a charter under  
 9 the following circumstances:

10 (1) If a majority of the parents or guardians of students enrolled at the charter school who  
 11 are present at a public meeting called with two weeks' advance notice and for the purpose  
 12 of deciding whether to request the state board to declare the charter null and void vote to  
 13 approve such request and such majority of parents or guardians vote to affirm such  
 14 request at another public meeting, which occurs within 30 days of the first meeting and  
 15 which is called with two weeks' advance notice for the purpose of affirming the earlier  
 16 vote;

17 ~~(b)(1)(2) If, after~~ The state board, after providing reasonable notice to the governing  
 18 body of a charter school and an opportunity for a hearing, may terminate a charter during  
 19 its term for any of the following grounds the state board finds:

20 (A) A failure ~~Failure to implement the improvement plan set forth in the charter~~  
 21 comply with any recommendation or direction of the State Board of Education, if  
 22 subject to Code Section 20-14-41 due to a school grade;

23 (B) A failure ~~Failure to adhere to any other~~ material term of the charter;

24 (C) A failure ~~Failure to meet generally accepted standards of fiscal management;~~

25 (D) A violation of applicable federal, state, or local laws; or

26 (E) The existence of competent substantial evidence that the continued operation of the  
 27 charter school would be contrary to the best interests of the students or the community;

28 or

29 (F) A failure to comply with any provision of Code Section 20-2-2065; or

30 ~~(2)(3) Upon the~~ The state board shall act upon a written request of a local board for  
 31 termination of a charter for a local ~~charter school located within its school system within~~  
 32 ~~30 days of the date on which such request is submitted. If, if,~~ prior to making such  
 33 request, the local board provided reasonable notice to the governing body of a charter  
 34 school and an opportunity for a hearing, and determined that the existence of any of the  
 35 grounds listed described in paragraph (1) (2) of this subsection had been met, such  
 36 determination shall be binding on the state board Code section.

~~(c) The terms of a charter may be amended during the term of the charter upon the approval of the local board, the state board, and a majority of the governing body of the charter school or, in the case of a charter school which was formerly a local school, a majority of the faculty, instructional staff, and parents or guardians present at a public meeting called with two weeks' notice and for the purpose of deciding whether to amend the terms of the charter.~~

~~(d) A charter school shall be included in the allotment of funds to the local school system in which the charter school is located under Article 6 of this chapter. The local board and state board shall treat the charter school no less favorably than other local schools located within the applicable local school system with respect to the provision of funds for instructional and administrative programs and, where feasible, transportation and building programs.~~

~~(e) The governing body of a charter school shall provide an annual report to parents or guardians, the community, the local board, and the state board which indicates the progress made by the charter school in the previous year in implementing its improvement plan.~~

20-2-2068.1.

(a) A local charter school shall be included in the allotment of state funds to the local school system in which the local charter school is located under Article 6 of this chapter. The local board and the state board shall treat a local charter school no less favorably than other public schools located within the applicable school system with respect to the provision of funds for instructional and administrative programs and, where feasible, transportation and building programs.

(b) QBE formula earnings, including the local five mill share calculated in accordance with Code Section 20-2-164, earned by a local charter school shall be distributed to the local charter school. Local tax revenue for school purposes, including any applicable equalization grant exclusive of revenue from bonds issued for capital projects, budgeted transportation costs, budgeted central administration costs, and budgeted school lunch program costs, divided by the FTE count for the local school system shall be the minimum amount of local funds earned per student in a local charter school. Local funds so earned shall be distributed to the local charter school by the local board. Where feasible and where services are provided, funds for transportation, school lunch, and construction projects shall also be distributed to the local charter school as earned. In all other fiscal matters, the local board shall treat the local charter school no less favorably than other public schools located within the applicable school system.

(c) State funding for a state chartered special school shall be disbursed directly to the state chartered special school through the Department of Education. QBE formula earnings,

1 including the local five mill share calculated in accordance with Code Section 20-2-164,  
 2 exclusive of the employer contribution for retirement, earned by the state chartered special  
 3 school shall be distributed to the state chartered school. The state board shall treat a state  
 4 chartered special school no less favorably than other public schools within the state with  
 5 respect to the provision of funds for instructional and administrative programs and, where  
 6 feasible, transportation and building programs.

7 (d) The local board shall treat a state chartered special school for which the use of funds  
 8 from local bonded indebtedness and local school tax levies has been approved by qualified  
 9 voters in the system in accordance with subsection (d) of Code Section 20-2-2064.1 no less  
 10 favorably than other public schools located within the applicable school system.

11 20-2-2069.

12 There is established within the Department of Education an Office of Charter School  
 13 Compliance, the responsibilities of which shall be to:

- 14 (1) Prepare charter school guidelines to be approved by the state board;  
 15 (2) Distribute charter school petition information to inquiring parties;  
 16 (3) Process all charter school petitions for consideration by the state board;  
 17 (4) Administer any state or federal charter school implementation grant program;  
 18 (5) Contract with an independent party to evaluate the performance of charter schools,  
 19 as such performance relates to fulfilling the terms of their charters; ~~and~~  
 20 (6) Collect all necessary student, personnel, and assessment data from all state chartered  
 21 special schools; and  
 22 ~~(6)(7)~~ Compile information necessary to produce the annual report required by Code  
 23 Section 20-2-2070."

## 24 SECTION 2.

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