

Senate Bill 418

By: Senators Price of the 56th, Johnson of the 1st, Stephens of the 51st, Cable of the 27th, Beatty of the 47th 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 change the requirements for granting a state  
3 charter for a special school; to provide that a charter may be granted if the petition has been  
4 agreed to by a majority of faculty and instructional staff and a majority of parents or  
5 guardians of students enrolled or if the state board finds that the petition meets statutory  
6 requirements and is in the public interest; to provide the state board may grant a state charter  
7 for a special school when the petition has not been submitted to the local board of education  
8 under the same circumstances; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
12 secondary education, is amended in Code Section 20-2-2064, relating to approval or denial  
13 of charter petitions and renewal of charters, by striking subsection (d) and inserting in lieu  
14 thereof the following:

15 "(d) (1) The state board may grant a state charter for a special school as authorized by  
16 Article VIII, Section V, Paragraph VII of the Constitution. When a petition submitted by  
17 a charter petitioner for a charter school has been denied by a local board of education, the  
18 state board may grant such a charter if:

19 (A) With respect to a petition submitted by a local school, such petition has been  
20 agreed to on a secret ballot by a majority of the faculty and instructional staff of the  
21 petitioning local school, at a meeting called with two weeks' advance notice for the  
22 purpose of deciding whether to submit the petition to the state board;

23 (B) With respect to a petition submitted by a local school, such petition has been  
24 agreed to by a majority of the parents or guardians of students enrolled at the  
25 petitioning local school present at a public meeting called with two weeks' advance

1 notice for the purpose of deciding whether to submit the petition to the state board; ~~and~~  
 2 or

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

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

11 (3) The state board may require a local referendum of the qualified voters in all of the  
 12 systems affected by a charter granted pursuant to this subsection. Such referendum shall  
 13 be held at the next regularly scheduled general election or as otherwise authorized by the  
 14 county or counties in which the school system is located. Such referendum shall be held  
 15 for the purpose of deciding whether the local board of education shall use local bonded  
 16 indebtedness and school tax levies to support such charter school and the ballot question  
 17 shall be approved by the State Board of Education.

18 (e)(1) The state board may grant a state charter for a special school as authorized by  
 19 Article VIII, Section V, Paragraph VII of the Constitution. The state board may grant  
 20 such a charter when a charter petitioner has not submitted the petition for a charter school  
 21 to a local board of education if:

22 (A) With respect to a petition submitted to the state board for a conversion charter  
 23 school, such petition has been agreed to on a secret ballot by a majority of the faculty  
 24 and instructional staff of the petitioning school, at a meeting called with two weeks'  
 25 advance notice for the purpose of deciding whether to submit the petition to the state  
 26 board;

27 (B) With respect to a petition submitted to the state board for a conversion charter  
 28 school, such petition has been agreed to by a majority of the parents or guardians of  
 29 students enrolled at the petitioning school present at a public meeting called with two  
 30 weeks' advance notice for the purpose of deciding whether to submit the petition to the  
 31 state board; or

32 (C) With respect to a petition submitted to the state board by any charter petitioner, the  
 33 state board finds that such petition meets the requirements set forth in Code Section 20-  
 34 2-2063 and is in the public interest with respect to the applicability to the proposed  
 35 charter school of the provisions of this title and applicable state rules, regulations,  
 36 policies, and procedures.

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

5 (3) The state board may require a local referendum of the qualified voters in all of the  
6 systems affected by a charter granted pursuant to this subsection. Such referendum shall  
7 be held at the next regularly scheduled general election or as otherwise authorized by the  
8 county or counties in which the school system is located. Such referendum shall be held  
9 for the purpose of deciding whether the local board of education shall use local bonded  
10 indebtedness and school tax levies to support such charter school and the ballot question  
11 shall be approved by the State Board of Education."

12 **SECTION 2.**

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