

House Bill 1200 (COMMITTEE SUBSTITUTE) (AM)

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 revise  
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 provide for minimum requirements; to change provisions relating to  
8 approval or denial of petitions by local boards, approval or denial of petitions by the state  
9 board, operating requirements, control and management of charter schools, reporting  
10 requirements of the comprehensive education information system, admission and enrollment  
11 of students by state chartered special schools, amendment and renewal of charters,  
12 termination of charters, and allotment of state, local, and federal funds; to amend Part 4 of  
13 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
14 financing under the "Quality Basic Education Act," so as to change provisions relating to  
15 financing of media center costs; to provide for related matters; to repeal conflicting laws; and  
16 for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Charter  
20 Schools Act of 1998," is amended by striking Code Section 20-2-2061, relating to legislative  
21 intent; Code Section 20-2-2062, relating to definitions; Code Section 20-2-2063, relating to  
22 petitions to establish charter schools; Code Section 20-2-2064, relating to approval or denial  
23 of petitions, granting of charters, and renewal of charters; Code Section 20-2-2065, relating  
24 to operating requirements, control, and management; Code Section 20-2-2066, relating to  
25 admission and enrollment of students; Code Section 20-2-2067, relating to prohibition of

1 reprisals; and Code Section 20-2-2068, relating to charter amendments and terminations, and  
 2 inserting in lieu thereof the following:

3 "20-2-2061.

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

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

10 ~~(2) Private individuals, private organizations, or state or local public entities (excluding~~  
 11 ~~home study programs or schools; sectarian or religious schools; private for profit schools;~~  
 12 ~~private educational institutions not established, operated, or governed by the State of~~  
 13 ~~Georgia; and existing private schools) may establish a local school which is subject to an~~  
 14 ~~academic or vocational performance based contract or academic and vocational~~  
 15 ~~performance based contract approved by both state and local boards of education, called~~  
 16 ~~a charter, which exempts the local school from state and local rules, regulations, policies,~~  
 17 ~~and procedures and from the provisions of this title other than the provisions of this~~  
 18 ~~article~~ a petitioner may seek a performance based contract called a charter, which ties  
 19 improved performance to the waiver of specifically identified state and local rules,  
 20 regulations, policies, procedures, and identified provisions of this title other than the  
 21 provisions of this article.

22 20-2-2062.

23 As used in this article, the term:

24 (1) 'Charter' means ~~an academic or vocational~~ a performance based contract or an  
 25 ~~academic and vocational performance based contract between the state board, a local~~  
 26 ~~board of education, and a charter petitioner, the terms of which are approved by the local~~  
 27 ~~board of education and by the state board~~ in the case of a local charter school, or between  
 28 the state board and a charter petitioner, the terms of which are approved by the state  
 29 board in the case of a state chartered special school.

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

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

1 (4) 'Conversion charter school' means a charter school that existed as a local school prior  
 2 to becoming a charter school.

3 ~~(4)~~(5) 'Local board' means a county or independent board of education exercising control  
 4 and management of a local school system pursuant to Article VIII, Section V, Paragraph  
 5 II of the Constitution.

6 (6) 'Local charter school' means a conversion charter school or start-up charter school  
 7 that is operating under the terms of a charter between the charter petitioner and the local  
 8 board.

9 ~~(5)~~(7) 'Local school' means a public school in Georgia ~~which~~ that is under the  
 10 management and control of a local board.

11 ~~(6)~~(8) 'Local school system' means the system of public schools established and  
 12 maintained by a local board within its limits pursuant to Article VIII, Section V,  
 13 Paragraph I of the Constitution.

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

16 (9) 'Local tax revenue' means local taxes collected for school purposes in excess of the  
 17 local five mill share, combined with any applicable equalization grant; but exclusive of  
 18 revenue from bonds issued for capital projects, revenue to pay debt service on such  
 19 bonds, local option sales tax for capital projects, budgeted transportation costs, budgeted  
 20 central administration costs, and budgeted school food service program costs. Nothing  
 21 in this paragraph shall be construed to prevent a local board from including a charter  
 22 school in projects specified in the ballot language of a local option sales tax or bond  
 23 referendum.

24 ~~(8)~~(10) 'Petition' means a proposal to ~~enter into a charter~~ establish a charter school.

25 (11) 'QBE formula earnings' means funds earned for the Quality Basic Education  
 26 Formula pursuant to Code Section 20-2-161, including the portion of such funds that are  
 27 calculated as the local five mill share in accordance with Code Section 20-2-164.

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

30 (13) 'Start-up charter school' means a charter school that did not exist as a local school  
 31 prior to becoming a charter school.

32 ~~(9)~~(14) 'State board' means the State Board of Education.

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

1 20-2-2063.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 The State Board of Education shall promulgate rules, regulations, policies, and procedures  
 10 to govern the contents of a charter petition, provided that the following shall be required  
 11 at a minimum:

12 (1) The state board shall require that a petition designate the performance to be improved  
 13 and how it will be improved through the waiver of specifically identified state and local  
 14 rules, regulations, policies, and procedures, or provisions of this title other than the  
 15 provisions of this article;

16 (2) The state board shall require that a petition describe how it will measure the  
 17 improvement in such performance and over what period of time, provided that such  
 18 requirement shall not waive the accountability provisions of Part 3 of Article 2 of  
 19 Chapter 14 of this title;

20 (3) The state board shall require that a petition demonstrate how any such waiver does  
 21 not undermine and is consistent with the intent of the waived state and local rules,  
 22 regulations, policies, and procedures, or the provisions of this title; and

23 (4) The state board shall require that a petition include a provision that, in each  
 24 classroom, the teacher in charge shall, at the opening of school upon every school day,  
 25 conduct a brief period of quiet reflection for not more than 60 seconds with the  
 26 participation of all the pupils therein assembled.

27 20-2-2064.

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

34 (1) Has been freely agreed to, by secret ballot, by a majority of the faculty and  
 35 instructional staff members of the petitioning local school at a public meeting called with

1 two weeks' advance notice for the purpose of deciding whether to submit the petition to  
2 the local board for its approval; and

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

7 (b) A charter petitioner seeking to create a start-up charter school must submit a petition  
8 to the local board of the local school system in which the proposed charter school will be  
9 located. The local board must by a majority vote approve or deny a petition no later than  
10 60 days after its submission unless the petitioner requests an extension.

11 (c) A local board shall approve a petition that complies with the rules, regulations,  
12 policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the  
13 provisions of this title and is in the public interest. If a local board denies a petition, it must  
14 within 60 days specifically state the reasons for the denial, list all deficiencies with respect  
15 to Code Section 20-2-2063, and provide a written statement of the denial to the charter  
16 petitioner and the state board.

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

20 20-2-2064.1.

21 ~~(b)~~(a) The state board may grant a shall approve the charter to of a charter petitioner whose  
22 if the petition: has been approved by the local board of the local school system in which  
23 the proposed charter school will be located and the state board finds that the petition  
24 complies with the rules, regulations, policies, and procedures promulgated in accordance  
25 with Code Section 20-2-2063 and the provisions of this title and is in the public interest.  
26 If the state board denies a petition, it must within 60 days specifically state the reasons for  
27 the denial, list all deficiencies with regard to Code Section 20-2-2063, and provide a  
28 written statement of the denial to the charter petitioner and to the local board.

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

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

35 ~~(3) For petitions submitted by a local school, has been freely agreed to by a majority of~~  
36 ~~the parents or guardians of students enrolled at a petitioning local school present at a~~

1 ~~public meeting called with two weeks' advance notice for the purpose of deciding~~  
 2 ~~whether to submit the locally approved petition to the state board; and~~

3 ~~(4) The state board finds meets the requirements set forth in Code Section 20-2-2063 and~~  
 4 ~~is in the public interest with respect to the applicability to the proposed charter school of~~  
 5 ~~the provisions of this title and state rules, regulations, policies, and procedures;~~

6 ~~provided, however, that the state board shall not grant a charter to a home study program~~  
 7 ~~or school, sectarian or religious school, private for profit school, a private educational~~  
 8 ~~institution not established, operated, or governed by the State of Georgia, or an existing~~  
 9 ~~private school.~~

10 ~~(c) The initial term of a charter shall not exceed five years. The state board may renew~~  
 11 ~~a charter, upon the written request of the governing body of the charter school and the local~~  
 12 ~~board which approved that school's charter, for the period of time specified in the request,~~  
 13 ~~not to exceed five years.~~

14 ~~(d)(1)~~(b) No application may be made to the state board by a petitioner for a conversion  
 15 charter school that has been denied by a local board. Upon denial of a petition for a  
 16 start-up charter school by a local board and upon application to the state board by the  
 17 petitioner, the The state board may grant shall approve a state the charter of a start-up  
 18 charter petitioner for a state chartered special school as authorized by Article VIII, Section  
 19 ~~V, Paragraph VII of the Constitution. When a petition submitted by a charter petitioner for~~  
 20 ~~a charter school has been denied by a local board of education, the state board may grant~~  
 21 ~~such a charter if:~~

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

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

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

35 ~~(2) Notwithstanding the provisions of paragraph (1) of this subsection, the state board~~  
 36 ~~shall not grant a charter to a home study program or school, sectarian or religious school;~~

1 ~~private for profit school, private educational institution not established, operated, or~~  
 2 ~~governed by the State of Georgia, or an existing private school.~~

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

10 20-2-2065.

11 ~~(a) A In determining whether to waive, as sought by the petitioner, specifically identified~~  
 12 ~~state and local rules, regulations, policies, and procedures, and provisions of this title other~~  
 13 ~~than the provisions of this article, the local board and state board shall ensure that a charter~~  
 14 ~~school shall be:~~

15 (1) A public, nonsectarian, nonreligious, nonprofit school ~~which is also~~ that is not home  
 16 based, provided that a charter school's nonprofit status shall not prevent the school from  
 17 contracting for the services of a for profit entity;

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

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

23 ~~(3)(4) Organized~~ If the petition which was the basis for the charter so provided pursuant  
 24 ~~to paragraph (7) of Code Section 20-2-2063, organized and operated as a nonprofit~~  
 25 ~~corporation under the laws of this state;~~

26 ~~(4)(5)~~ Subject to all federal, state, and local rules, regulations, court orders, and statutes  
 27 relating to civil rights; insurance; the protection of the physical health and safety of  
 28 school students, employees, and visitors; conflicting interest transactions; and the  
 29 prevention of unlawful conduct;

30 ~~(5)(6)~~ Subject to all laws relating to unlawful conduct in or near a public school; and

31 ~~(6)(7)~~ Subject to an annual financial audit in the manner required of a local school  
 32 specified in the charter;

33 ~~(a.1)(8) Subject~~ A charter school shall be subject to the provisions of Part 3 of Article  
 34 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter  
 35 schools whose charters are granted or renewed on or after July 1, 2000; and

36 (9) Subject to all reporting requirements of Code Section 20-2-320.

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

20-2-2066.

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

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

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

(b) A state chartered special school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a state chartered special school may give enrollment preference to a child of a full-time teacher, professional, or other employee of the state chartered special school as provided for in subsection (b) of Code Section 20-2-293 or to a sibling of a student currently enrolled in the state chartered special school.

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

~~(c)(d)~~ (d) A student may withdraw without penalty from a charter school at any time and enroll in ~~another~~ a local school in the school ~~district~~ system in which such student resides

1 as may be provided for by the policies of the local board. A student who is suspended or  
 2 expelled from a charter school as a result of a disciplinary action taken by a charter school  
 3 shall be entitled to enroll in a local school within the local school system in which the  
 4 student resides, if, under the disciplinary policy of the local school system, such student  
 5 would not have been subject to suspension or expulsion for the conduct which gave rise to  
 6 the suspension or expulsion. In such instances, the local board shall not be required to  
 7 independently verify the nature or occurrence of the applicable conduct or any evidence  
 8 relating thereto.

9 20-2-2067.

10 A local board of education or a school system employee who has control over personnel  
 11 actions shall not take unlawful reprisal against another employee of the school system  
 12 because such other employee is directly or indirectly involved with a petition to establish  
 13 a charter school. A local board of education or a school system employee shall not take  
 14 unlawful reprisal against an educational program of any school or school system because  
 15 a petition to establish a charter school proposes the conversion of such educational program  
 16 to a charter school. As used in this Code section, the term 'unlawful reprisal' means an  
 17 action taken by a local board of education or a school system employee as a direct result  
 18 of a lawful petition to establish a charter school which action is adverse to another  
 19 employee and which is not lawfully taken in response to any action or behavior of such  
 20 employee or is adverse to an educational program of the school or the school system and:

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

22 (A) Disciplinary or corrective action;

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

24 (C) Suspension, demotion, or dismissal;

25 (D) An unfavorable performance evaluation;

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

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

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

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

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

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

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

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

5 20-2-2067.1.

6 (a) The terms of a charter for a local charter school may be amended during the term of  
 7 the charter upon the approval of the local board, the state board, and the charter school.

8 The terms of a charter for a state chartered special school may be amended during the term  
 9 of the charter upon the approval of the state board and the charter school.

10 (b) The initial term of a charter shall be for a minimum of three years, unless the petitioner  
 11 shall request a shorter period of time, and shall not exceed five years. The state board may  
 12 renew a charter, upon the request of the charter school, for the period of time specified in  
 13 the request, not to exceed five years. For a local charter school, approval of the local board  
 14 shall also be required to renew a charter.

15 (c) A charter school shall provide an annual report to parents or guardians, the community,  
 16 and the state board which indicates the progress made by the charter school in the previous  
 17 year in implementing its charter goals. A local charter school shall also provide an annual  
 18 report to the local board.

19 20-2-2068.

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

22 (1)(A) If a majority of the parents or guardians of students enrolled at the charter  
 23 school who are present at a public meeting called with two weeks' advance notice and  
 24 for the purpose of deciding whether to request the state board to declare the charter null  
 25 and void vote to approve such request and such majority of parents or guardians vote  
 26 to affirm such request at another public meeting, which occurs within 30 days of the  
 27 first meeting and which is called with two weeks' advance notice for the purpose of  
 28 affirming the earlier vote vote by a majority vote to request the termination of its  
 29 charter at a public meeting called with two weeks' advance notice and for the purpose  
 30 of deciding whether to request the state board to declare the charter null and void.

31 (B) If a majority of the faculty and instructional staff employed at the charter school  
 32 vote by a majority vote to request the termination of its charter at a public meeting  
 33 called with two weeks' advance notice and for the purpose of deciding whether to  
 34 request the state board to declare the charter null and void;

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

4 (A) A failure ~~Failure to implement the improvement plan set forth in the charter~~  
 5 comply with any recommendation or direction of the state board with respect to Code  
 6 Section 20-14-41;

7 (B) A failure ~~Failure to adhere to any other material term of the charter,~~ including but  
 8 not limited to the performance goals set forth in the charter;

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

10 (D) A violation of applicable federal, state, or local laws or court orders; ~~or~~

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

13 or

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

15 ~~(2)(3) Upon the~~ The state board shall act upon a written request of a local board for  
 16 termination of a charter for a local charter school located within its school system ~~within~~  
 17 ~~30 days of the date on which such request is submitted. If, if,~~ prior to making such  
 18 request, the local board provided reasonable notice to the governing body of a charter  
 19 school and an opportunity for a hearing, and determined that the existence of any of the  
 20 grounds listed described in paragraph ~~(1)~~ (2) of this subsection had been met, such  
 21 determination shall be binding on the state board Code section.

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

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

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

1 20-2-2068.1.

2 (a) A local charter school shall be included in the allotment of state funds and applicable  
 3 federal allotments to the local school system in which the local charter school is located  
 4 under Article 6 of this chapter. The local board and the state board shall treat a conversion  
 5 charter school no less favorably than other local schools located within the applicable local  
 6 school system unless otherwise provided by law. The local board and the state board shall  
 7 treat a start-up charter school no less favorably than other local schools within the  
 8 applicable local system with respect to the provision of funds for instruction and school  
 9 administration and, where feasible, transportation, food services, and building programs.

10 (b) QBE formula and grant earnings, nonQBE state grants, and federal grants earned by  
 11 a local charter school shall be distributed to the local charter school by the local board.

12 (c) In addition to the earnings set out in subsection (b) of this Code section local tax  
 13 revenues shall be earned per student in a local charter school and calculated as follows:

14 (1) Determine the amount of funds earned by students enrolled in the local charter school  
 15 as calculated by the Quality Basic Education Formula pursuant to Code Section 20-2-161;

16 (2) Determine the amount of funds earned by all students in the public schools of the  
 17 local school system, including any charter schools that receive local tax revenue, as  
 18 calculated by the Quality Basic Education Formula;

19 (3) Divide the amount obtained in paragraph (1) of this subsection by the amount  
 20 obtained in paragraph (2) of this subsection; and

21 (4) Multiply the quotient obtained in paragraph (3) of this subsection by the school  
 22 system's local tax revenue.

23 The product obtained in paragraph (4) of this subsection shall be the amount of local funds  
 24 to be distributed to the local charter school by the local board; provided, however, that  
 25 nothing in this subsection shall preclude a charter petitioner and a local board of education  
 26 from specifying in the charter an alternative amount of local funds to be provided by the  
 27 local board to the local charter school if agreed upon by all parties to the charter. Local  
 28 funds so earned shall be distributed to the local charter school by the local board. Where  
 29 feasible and where services are provided, funds for transportation, food service programs,  
 30 and construction projects shall also be distributed to the local charter school as earned. In  
 31 all other fiscal matters, including applicable federal allotments, the local board shall treat  
 32 the local charter school no less favorably than other local schools located within the  
 33 applicable school system.

34 (d) QBE formula and grant earnings, nonQBE state grants, and federal grants that are  
 35 earned by a state chartered special school shall be distributed to the local board of the local  
 36 school system in which the state chartered special school is located which shall distribute  
 37 the same amount to the state chartered special school. The local board shall not be

1 responsible for the fiscal management, accounting, or oversight of the state chartered  
 2 special school. Any data required to be reported by the state chartered special school shall  
 3 be submitted directly by the school to the appropriate state agency. Where feasible, the  
 4 state board shall treat a state chartered special school no less favorably than other public  
 5 schools within the state with respect to the provision of funds for transportation and  
 6 building programs.

7 (e) The state board may require a local referendum of the qualified voters in the local  
 8 school system in which the proposed state chartered special school will be located. Such  
 9 referendum shall be held at the next regularly scheduled general election or as otherwise  
 10 authorized by the county or counties in which the school system is located. Such  
 11 referendum shall be held for the purpose of deciding whether the local board of education  
 12 shall provide funds from school tax levies to support such state chartered special school or  
 13 incur bonded indebtedness to support such state chartered special school or both. The  
 14 ballot question shall be approved by the state board.

15 (f) The local board shall treat a state chartered special school for which the use of funds  
 16 from local bonded indebtedness and local school tax levies has been approved by qualified  
 17 voters in the system in accordance with subsection (e) of this Code section no less  
 18 favorably than other public schools located within the applicable school system.

19 (g) The local board shall not distribute funds from local bond indebtedness and local  
 20 school tax levies to a state chartered special school unless such use has been approved by  
 21 qualified voters in accordance with subsection (e) of this Code section."

## 22 SECTION 2.

23 Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 24 relating to financing under the "Quality Basic Education Act," is amended by striking  
 25 paragraph (2) of subsection (a) of Code Section 20-2-167, relating to certain funding and  
 26 accounting matters, and inserting in its place a new paragraph to read as follows:

27 "(2) The state board shall annually compute, based upon the initial allotment of funds to  
 28 each local school system, the total funds needed system wide for media center costs,  
 29 specifying the salaries and materials cost portions. In computing the total funds needed  
 30 for media center costs, the state board shall apply the percentage that these costs represent  
 31 of the total costs used in developing program weights. Following the midterm adjustment,  
 32 the state board shall issue allotment sheets for each local school system and each school  
 33 reflecting the total amount of earnings, initial earnings, and midterm adjustment, if any,  
 34 for each program authorized by Code Section 20-2-161. Each local school system shall  
 35 spend 100 percent of the funds designated for media center costs for such costs, and a

1 ~~minimum of 90 percent~~ all of the media materials earnings of such funds shall be spent  
2 at the school site in which such funds were earned for media materials."

3 **SECTION 3.**

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