

The Senate Education Committee offered the following substitute to HB 1200:

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 provide for related  
13 matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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; and Code Section 20-2-2068, relating to charter amendments and terminations, and  
23 inserting in lieu thereof the following:  
24

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 a petitioner may seek a performance based contract called a charter, which ties~~  
 15 ~~improved performance to the waiver of specifically identified state and local rules,~~  
 16 ~~regulations, policies, procedures, and identified provisions of this title other than the~~  
 17 ~~provisions of this article.~~

18 20-2-2062.

19 As used in this article, the term:

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

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

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

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

1 (5) 'Faculty and instructional staff members' means all certificated personnel assigned  
 2 to the school on a full-time basis and all paraprofessionals assigned to the school on a  
 3 full-time basis. The term 'paraprofessional' shall have the same meaning as set out in  
 4 Code Section 20-2-204.

5 ~~(4)~~(6) 'Local board' means a county or independent board of education exercising control  
 6 and management of a local school system pursuant to Article VIII, Section V, Paragraph  
 7 II of the Constitution.

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

11 ~~(5)~~(8) 'Local school' means a public school in Georgia ~~which~~ that is under the  
 12 management and control of a local board.

13 ~~(6)~~(9) 'Local school system' means the system of public schools established and  
 14 maintained by a local board within its limits pursuant to Article VIII, Section V,  
 15 Paragraph I of the Constitution.

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

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

26 ~~(8)~~(11) 'Petition' means a proposal to ~~enter into a charter~~ establish a charter school.

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

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

32 (14) 'Start-up charter school' means a charter school that did not exist as a local school  
 33 prior to becoming a charter school.

34 ~~(9)~~(15) 'State board' means the State Board of Education.

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

4        20-2-2063.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 unless the petitioner requests an  
 31 extension; provided, however, that the local board shall not act upon a petition ~~submitted~~  
 32 ~~by a local school~~ for a conversion charter school 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 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. A denial of a  
11 petition by a local board shall not preclude the submission to the local board of a revised  
12 petition that addresses deficiencies cited in the denial.

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

19 (d) The state board may mediate between the local board and a charter petitioner whose  
20 petition was denied to assist in obtaining approval of the petition, but such approval must  
21 be obtained by majority vote of the local board resolving issues which led to denial of the  
22 petition by the local board.

23 20-2-2064.1.

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

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

34 (2) For petitions submitted by a local school, has been freely agreed to, by secret ballot,  
35 by a majority of the faculty and instructional staff members of a petitioning local school

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

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

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

10 provided, however, that the state board shall not grant a charter to a home study program  
11 or school, sectarian or religious school, private for profit school, a private educational  
12 institution not established, operated, or governed by the State of Georgia, or an existing  
13 private school.

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

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

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

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

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

1 ~~proposed charter school of the provisions of this title and applicable state rules,~~  
2 ~~regulations, policies, and procedures.~~

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

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

14 20-2-2065.

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

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

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

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

27 ~~(3)(4) Organized If the petition which was the basis for the charter so provided pursuant~~  
28 ~~to paragraph (7) of Code Section 20-2-2063, organized and operated as a nonprofit~~  
29 ~~corporation under the laws of this state; provided, however, that this paragraph shall not~~  
30 ~~apply to conversion charter schools;~~

31 ~~(4)(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes~~  
32 ~~relating to civil rights; insurance; the protection of the physical health and safety of~~  
33 ~~school students, employees, and visitors; conflicting interest transactions; and the~~  
34 ~~prevention of unlawful conduct;~~

35 ~~(5)(6) Subject to all laws relating to unlawful conduct in or near a public school; and~~

1 ~~(6)(7)~~ Subject to an annual financial audit in the manner ~~required of a local school~~  
2 specified in the charter;

3 ~~(a.1)(8)~~ Subject A charter school shall be subject to the provisions of Part 3 of Article  
4 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter  
5 schools whose charters are granted or renewed on or after July 1, 2000;

6 (9) Subject to all reporting requirements of Code Section 20-2-320;

7 (10) Subject to the requirement that it shall not charge tuition or fees to its students  
8 except as may be authorized for local boards by Code Section 20-2-133; and

9 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of  
10 quiet reflection.

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

16 20-2-2066.

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

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

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

34 (b) A state chartered special school shall enroll any student who resides in the attendance  
35 zone specified in the charter and who submits a timely application as specified in the

1 charter unless the number of applications exceeds the capacity of a program, class, grade  
 2 level, or building. The period of time during which an application for enrollment may be  
 3 submitted shall be specified in the charter. In such case, all such applicants shall have an  
 4 equal chance of being admitted through a random selection process unless otherwise  
 5 prohibited by law; provided, however, that a state chartered special school may give  
 6 enrollment preference to a child of a full-time teacher, professional, or other employee of  
 7 the state chartered special school as provided for in subsection (b) of Code Section  
 8 20-2-293 or to a sibling of a student currently enrolled in the state chartered special school.

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

11 ~~(c)~~(d) A student may withdraw without penalty from a charter school at any time and  
 12 enroll in ~~another~~ a local school in the school ~~district~~ system in which such student resides  
 13 as may be provided for by the policies of the local board. A student who is suspended or  
 14 expelled from a charter school as a result of a disciplinary action taken by a charter school  
 15 shall be entitled to enroll in a local school within the local school system in which the  
 16 student resides, if, under the disciplinary policy of the local school system, such student  
 17 would not have been subject to suspension or expulsion for the conduct which gave rise to  
 18 the suspension or expulsion. In such instances, the local board shall not be required to  
 19 independently verify the nature or occurrence of the applicable conduct or any evidence  
 20 relating thereto.

21 20-2-2067.

22 A local board of education or a school system employee who has control over personnel  
 23 actions shall not take unlawful reprisal against another employee of the school system  
 24 because such other employee is directly or indirectly involved with a petition to establish  
 25 a charter school. A local board of education or a school system employee shall not take  
 26 unlawful reprisal against an educational program of any school or school system because  
 27 a petition to establish a charter school proposes the conversion of such educational program  
 28 to a charter school. As used in this Code section, the term 'unlawful reprisal' means an  
 29 action taken by a local board of education or a school system employee as a direct result  
 30 of a lawful petition to establish a charter school which action is adverse to another  
 31 employee and which is not lawfully taken in response to any action or behavior of such  
 32 employee or is adverse to an educational program of the school or the school system and:

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

34 (A) Disciplinary or corrective action;

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

1 (C) Suspension, demotion, or dismissal;

2 (D) An unfavorable performance evaluation;

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

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

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

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

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

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

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

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

18 20-2-2067.1.

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

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

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

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

1 20-2-2068.

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

4 (1)(A) If a majority of the parents or guardians of students enrolled at the charter  
5 school who are present at a public meeting called with two weeks' advance notice and  
6 for the purpose of deciding whether to request the state board to declare the charter null  
7 and void vote to approve such request and such majority of parents or guardians vote  
8 to affirm such request at another public meeting, which occurs within 30 days of the  
9 first meeting and which is called with two weeks' advance notice for the purpose of  
10 affirming the earlier vote vote by a majority vote to request the termination of its  
11 charter 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; or

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

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 with respect to Code  
22 Section 20-14-41;

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

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

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

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

29 or

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

31 ~~(2)(3) Upon the~~ The state board shall act upon a written request of a local board for  
32 termination of a charter for a local charter school located within its school system within  
33 30 days of the date on which such request is submitted. If, if, prior to making such  
34 request, the local board provided reasonable notice to the governing body of a charter  
35 school and an opportunity for a hearing, and determined that the existence of any of the

1 grounds listed described in paragraph (1) (2) of this subsection had been met, such  
2 determination shall be binding on the state board Code section.

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

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

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

18 20-2-2068.1.

19 (a) A local charter school shall be included in the allotment of QBE formula earnings,  
20 applicable QBE grants, applicable nonQBE state grants, and applicable federal grants to  
21 the local school system in which the local charter school is located under Article 6 of this  
22 chapter. The local board and the state board shall treat a conversion charter school no less  
23 favorably than other local schools located within the applicable local school system unless  
24 otherwise provided by law. The local board and the state board shall treat a start-up charter  
25 school no less favorably than other local schools within the applicable local system with  
26 respect to the provision of funds for instruction and school administration and, where  
27 feasible, transportation, food services, and building programs.

28 (b) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and  
29 applicable federal grants earned by a local charter school shall be distributed to the local  
30 charter school by the local board; provided, however, that state equalization grant earnings  
31 shall be distributed as provided in subsection (c) of this Code section. The local charter  
32 school shall report enrolled students in a manner consistent with Code Section 20-2-160.

33 (c) In addition to the earnings set out in subsection (b) of this Code section local tax  
34 revenue shall be earned by a local charter school and calculated as follows:

1 (1) Determine the amount of funds earned by students enrolled in the local charter school  
 2 as calculated by the Quality Basic Education Formula pursuant to Code Section 20-2-160;

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

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

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

10 The product obtained in paragraph (4) of this subsection shall be the amount of local funds  
 11 to be distributed to the local charter school by the local board; provided, however, that  
 12 nothing in this subsection shall preclude a charter petitioner and a local board of education  
 13 from specifying in the charter a greater amount of local funds to be provided by the local  
 14 board to the local charter school if agreed upon by all parties to the charter. Local funds  
 15 so earned shall be distributed to the local charter school by the local board. Where feasible  
 16 and where services are provided, funds for transportation, food service programs, and  
 17 construction projects shall also be distributed to the local charter school as earned. In all  
 18 other fiscal matters, including applicable federal allotments, the local board shall treat the  
 19 local charter school no less favorably than other local schools located within the applicable  
 20 school system.

21 (d) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and  
 22 applicable federal grants that are earned by a state chartered special school shall be  
 23 distributed to the local board of the local school system in which the state chartered special  
 24 school is located which shall distribute the same amount to the state chartered special  
 25 school; provided, however, that a state chartered special school shall not be included in the  
 26 calculation and distribution of the local school system's equalization grant unless the voters  
 27 of the local school system have approved the use of local tax revenue to support the state  
 28 chartered special school in accordance with subsection (e) of this Code section. If such  
 29 approval has been given, state equalization grant earnings shall be earned for the state  
 30 chartered special school and shall be distributed as provided in subsection (f) of this Code  
 31 section. The local board shall not be responsible for the fiscal management, accounting,  
 32 or oversight of the state chartered special school. The state chartered special school shall  
 33 report enrolled students in a manner consistent with Code Section 20-2-160. Any data  
 34 required to be reported by the state chartered special school shall be submitted directly by  
 35 the school to the appropriate state agency. Where feasible, the state board shall treat a state

1 chartered special school no less favorably than other public schools within the state with  
2 respect to the provision of funds for transportation and building programs.

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

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

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

## 18 **SECTION 2.**

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