

House Bill 1200 (AS PASSED HOUSE AND SENATE)

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

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:

15 **SECTION 1.**

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

35 (5) 'Faculty and instructional staff members' means all certificated personnel assigned
 36 to the school on a full-time basis and all paraprofessionals assigned to the school on a

1 full-time basis. The term 'paraprofessional' shall have the same meaning as set out in
 2 Code Section 20-2-204.

3 ~~(4)~~(6) '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 (7) '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)~~(8) 'Local school' means a public school in Georgia ~~which~~ that is under the
 10 management and control of a local board.

11 ~~(6)~~(9) '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 (10) 'Local tax revenue' means local taxes budgeted 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)~~(11) 'Petition' means a proposal to ~~enter into a charter~~ establish a charter school.

25 (12) '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 (13) 'Special school' means a school whose creation is authorized pursuant to Article
 29 VIII, Section V, Paragraph VII of the Constitution.

30 (14) '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)~~(15) 'State board' means the State Board of Education.

33 (16) '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; and

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.

23 20-2-2064.

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

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

34 (2) Has been freely agreed to, by secret ballot, by a majority of parents or guardians of
 35 students enrolled in the petitioning local school present 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.

3 (b) A charter petitioner seeking to create a start-up charter school must submit a petition
4 to the local board of the local school system in which the proposed charter school will be
5 located. The local board must by a majority vote approve or deny a petition no later than
6 60 days after its submission unless the petitioner requests an extension. A denial of a
7 petition by a local board shall not preclude the submission to the local board of a revised
8 petition that addresses deficiencies cited in the denial.

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 the
11 provisions of this title and is in the public interest. If a local board denies a petition, it must
12 within 60 days specifically state the reasons for the denial, list all deficiencies with respect
13 to Code Section 20-2-2063, and provide a written statement of the denial to the charter
14 petitioner and the state board.

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

19 20-2-2064.1.

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

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

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

34 ~~(3) For petitions submitted by a local school, has been freely agreed to by a majority of~~
35 ~~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; provided, however, that this paragraph shall not
 26 apply to conversion charter schools;

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

31 ~~(5)(6)~~ Subject to all laws relating to unlawful conduct in or near a public school; and

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

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

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

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

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

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

11 20-2-2066.

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

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

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

29 (b) A state chartered special school shall enroll any student who resides in the attendance
 30 zone specified in the charter and who submits a timely application as specified in the
 31 charter unless the number of applications exceeds the capacity of a program, class, grade
 32 level, or building. The period of time during which an application for enrollment may be
 33 submitted shall be specified in the charter. In such case, all such applicants shall have an
 34 equal chance of being admitted through a random selection process unless otherwise
 35 prohibited by law; provided, however, that a state chartered special school may give
 36 enrollment preference to a child of a full-time teacher, professional, or other employee of

1 the state chartered special school as provided for in subsection (b) of Code Section
 2 20-2-293 or to a sibling of a student currently enrolled in the state chartered special school.

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

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

15 20-2-2067.

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

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

28 (A) Disciplinary or corrective action;

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

30 (C) Suspension, demotion, or dismissal;

31 (D) An unfavorable performance evaluation;

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

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

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

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

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

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

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

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

11 20-2-2067.1.

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

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

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

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

25 20-2-2068.

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

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

1 charter at a public meeting called with two weeks' advance notice and for the purpose
 2 of deciding whether to request the state board to declare the charter null and void; or
 3 (B) If a majority of the faculty and instructional staff employed at the charter school
 4 vote by a majority vote to request the termination of its charter at a public meeting
 5 called with two weeks' advance notice and for the purpose of deciding whether to
 6 request the state board to declare the charter null and void;

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

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

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

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

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

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

19 or

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

21 ~~(2)(3) Upon the~~ The state board shall act upon a written request of a local board for
 22 termination of a charter for a local charter school located within its school system ~~within~~
 23 ~~30 days of the date on which such request is submitted. If, if,~~ prior to making such
 24 request, the local board provided reasonable notice to the governing body of a charter
 25 school and an opportunity for a hearing, and determined that the existence of any of the
 26 grounds listed described in paragraph (1) (2) of this subsection ~~had been met, such~~
 27 ~~determination shall be binding on the state board~~ Code section.

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

34 ~~(d) A charter school shall be included in the allotment of funds to the local school system~~
 35 ~~in which the charter school is located under Article 6 of this chapter. The local board and~~
 36 ~~state board shall treat the charter school no less favorably than other local schools located~~
 37 ~~within the applicable local school system with respect to the provision of funds for~~

1 instructional and administrative programs and, where feasible, transportation and building
2 programs.

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

6 20-2-2068.1.

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

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

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

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

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

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

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

32 The product obtained in paragraph (4) of this subsection shall be the amount of local funds
33 to be distributed to the local charter school by the local board; provided, however, that
34 nothing in this subsection shall preclude a charter petitioner and a local board of education
35 from specifying in the charter a greater amount of local funds to be provided by the local
36 board to the local charter school if agreed upon by all parties to the charter. Local funds

1 so earned shall be distributed to the local charter school by the local board. Where feasible
2 and where services are provided, funds for transportation, food service programs, and
3 construction projects shall also be distributed to the local charter school as earned. In all
4 other fiscal matters, including applicable federal allotments, the local board shall treat the
5 local charter school no less favorably than other local schools located within the applicable
6 school system.

7 (d) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and
8 applicable federal grants that are earned by a state chartered special school shall be
9 distributed to the local board of the local school system in which the state chartered special
10 school is located which shall distribute the same amount to the state chartered special
11 school; provided, however, that a state chartered special school shall not be included in the
12 calculation and distribution of the local school system's equalization grant unless the voters
13 of the local school system have approved the use of local tax revenue to support the state
14 chartered special school in accordance with subsection (e) of this Code section. If such
15 approval has been given, state equalization grant earnings shall be earned for the state
16 chartered special school and shall be distributed as provided in subsection (f) of this Code
17 section. The local board shall not be responsible for the fiscal management, accounting,
18 or oversight of the state chartered special school. The state chartered special school shall
19 report enrolled students in a manner consistent with Code Section 20-2-160. Any data
20 required to be reported by the state chartered special school shall be submitted directly by
21 the school to the appropriate state agency. Where feasible, the state board shall treat a state
22 chartered special school no less favorably than other public schools within the state with
23 respect to the provision of funds for transportation and building programs.

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

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

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

4 **SECTION 2.**

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