

Senate Bill 203

By: Senators Price of the 56th, Johnson of the 1st and Brush of the 24th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to provide for virtual charter schools; to provide  
3 for construction; to revise definitions; to provide for duties of the state board of education,  
4 charter petitioners seeking to create virtual charter schools, and local boards of education;  
5 to clarify references to home study programs; to limit the application of certain charter school  
6 requirements to virtual charter schools; to authorize requiring proof of residency and  
7 attendance of students enrolled in virtual charter schools; to provide for funding of virtual  
8 charter schools; to provide for related matters; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
13 secondary education, is amended in Article 31, the "Charter Schools Act of 1998," by  
14 striking Code Section 20-2-2061, relating to legislative intent, and inserting in lieu thereof  
15 the following:

16 "20-2-2061.

17 It is the intent of the General Assembly to provide a means whereby a petitioner may seek  
18 a performance based contract called a charter, which ties improved performance to the  
19 waiver of specifically identified state and local rules, regulations, policies, procedures, and  
20 identified provisions of this title other than the provisions of this article. Nothing in this  
21 article shall be construed to prohibit the establishment of virtual charter schools."

22 style="text-align:center">**SECTION 2.**

23 Said chapter is further amended in Code Section 20-2-2062, relating to definitions, by  
24 striking paragraphs (2) and (7), inserting in lieu thereof new paragraphs, and inserting a new  
25 paragraph to be designated paragraph (17) so that new paragraphs read as follows:



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

5 ~~(d)~~ (e) The state board may mediate between the local board and a charter petitioner  
 6 whose petition was denied to assist in resolving issues which led to denial of the petition  
 7 by the local board.

8 (f) Neither a local board nor the state board shall deny a petition for a virtual charter school  
 9 for the sole reason that a teacher and a student may not be in the same location during all  
 10 periods of instruction."

#### 11 SECTION 5.

12 Said chapter is further amended in Code Section 20-2-2065, relating to requirements for  
 13 operating, control, and management, by striking paragraphs (1), (5), and (6), and inserting  
 14 in lieu thereof the following:

15 "(1) A public, nonsectarian, nonreligious, nonprofit school that is not ~~home based~~ a home  
 16 study program as defined in Code Section 20-2-690, provided that a charter school's  
 17 nonprofit status shall not prevent the school from contracting for the services of a for  
 18 profit entity;"

19 "(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes  
 20 relating to civil rights; insurance; the protection of the physical health and safety of  
 21 school students, employees, and visitors; conflicting interest transactions; and the  
 22 prevention of unlawful conduct. Such rules, regulations, court orders, and statutes shall  
 23 apply to a virtual charter school except to the extent they would apply to a student's home  
 24 or to a student's parents or guardian;

25 (6) Subject to all laws relating to unlawful conduct in or near a public school, except in  
 26 the case of a virtual charter school where the physical location of a majority of the  
 27 instruction is in the home of a student;"

#### 28 SECTION 6.

29 Said chapter is further amended in Code Section 20-2-2066, relating to admission,  
 30 enrollment, and withdrawal of students, by striking subsection (a) and inserting in lieu  
 31 thereof a new subsection (a) to read as follows:

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

33 (1) A local charter school shall enroll any student who resides in the school system in  
 34 which the local charter school is located and who submits a timely application as  
 35 specified in the charter unless the number of applications exceeds the capacity of a

1 program, class, grade level, or building. In such case, all such applicants shall have an  
 2 equal chance of being admitted through a random selection process unless otherwise  
 3 prohibited by law; provided, however, that a local charter school shall give enrollment  
 4 preference to such students who reside in the attendance zone specified in the charter and  
 5 may give enrollment preference to a sibling of a resident student currently enrolled in the  
 6 local charter school; and

7 (2) In the case of a virtual charter school, the local school system may require proof of  
 8 residency and attendance reports of all students enrolled in the virtual charter school; and

9 ~~(2)~~ (3) A student who resides outside the school system in which the local charter school  
 10 is located may not enroll in that local charter school except pursuant to a contractual  
 11 agreement between the local boards of the school system in which the student resides and  
 12 the school system in which the local charter school is located. Unless otherwise provided  
 13 in such contractual agreement, a local charter school may give enrollment preference to  
 14 a sibling of a nonresident student currently enrolled in the local charter school."

#### 15 SECTION 7.

16 Said chapter is further amended by striking Code Section 20-2-2068.1, relating to the quality  
 17 basic education formula, grants, local tax revenue, and funds from local bonds, and inserting  
 18 in lieu thereof the following:

19 "20-2-2068.1.

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

30 (b) The local board and the state board shall treat a virtual charter school no less favorably  
 31 than other local schools within the applicable local system with respect to the provision of  
 32 funds for instruction and school administration and, where feasible, transportation, food  
 33 services, and building programs. A virtual charter school shall report enrolled students in  
 34 a manner consistent with Code Section 20-2-160. A local board may require appropriate  
 35 documentation from the virtual charter school in order to ensure that all reports are  
 36 accurate. However, nothing in this article shall be construed to limit the base amount of

1 funds earned by the virtual charter school pursuant to this Code section and Article 6 of  
 2 this chapter.

3 ~~(b)~~ (c) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants,  
 4 and applicable federal grants earned by a each local charter school, including each virtual  
 5 charter school, shall be distributed to ~~the~~ each local charter school by the local board;  
 6 provided, however, that state equalization grant earnings shall be distributed as provided  
 7 in subsection ~~(c)~~ (d) of this Code section. ~~The~~ Each local charter school shall report  
 8 enrolled students in a manner consistent with Code Section 20-2-160.

9 ~~(c)~~ (d) In addition to the earnings set out in subsection ~~(b)~~ (c) of this Code section local  
 10 tax revenue shall be earned by a each local charter school, including each virtual charter  
 11 school, and calculated as follows:

12 (1) Determine the amount of funds earned by students enrolled in the local charter  
 13 school as calculated by the Quality Basic Education Formula pursuant to Code Section  
 14 20-2-160;

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

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

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

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

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

1 included in the calculation and distribution of the local school system's equalization grant  
 2 unless the voters of the local school system have approved the use of local tax revenue to  
 3 support the state chartered special school in accordance with subsection ~~(e)~~ (f) of this Code  
 4 section. If such approval has been given, state equalization grant earnings shall be earned  
 5 for the state chartered special school and shall be distributed as provided in subsection ~~(f)~~  
 6 (g) of this Code section. The local board shall not be responsible for the fiscal  
 7 management, accounting, or oversight of the state chartered special school. The state  
 8 chartered special school shall report enrolled students in a manner consistent with Code  
 9 Section 20-2-160. Any data required to be reported by the state chartered special school  
 10 shall be submitted directly by the school to the appropriate state agency. Where feasible,  
 11 the state board shall treat a state chartered special school no less favorably than other  
 12 public schools within the state with respect to the provision of funds for transportation and  
 13 building programs.

14 ~~(e)~~ (f) The state board may require a local referendum of the qualified voters in the local  
 15 school system in which the proposed state chartered special school will be located. Such  
 16 referendum shall be held at the next regularly scheduled general election or as may  
 17 otherwise be authorized at an earlier date by the local board or boards of education  
 18 affected. Such referendum shall be held for the purpose of deciding whether the local  
 19 board of education shall provide funds from school tax levies to support such state  
 20 chartered special school or incur bonded indebtedness to support such state chartered  
 21 special school or both. The ballot question shall be approved by the state board.

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

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

## 29 SECTION 8.

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