

Senate Bill 203

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

AS PASSED SENATE

**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 an increase in state salary for
3 certain school speech-language pathologists and audiologists who earn national certification;
4 to provide definitions; to phase-in such salary increase according to length of employment
5 in Georgia public schools; to provide for the amount of such increase; to provide when such
6 increase shall become effective; to provide for related matters; to provide for an effective
7 date contingent upon approval of funding; to provide for virtual charter schools; to authorize
8 local units of administration to enter agreements for the enrollment in virtual charter schools
9 of certain persons in the physical custody of the Department of Juvenile Justice or the
10 Department of Corrections; to provide that any person in such custody is eligible for
11 enrollment in a virtual charter school until such person attains the age of 21 years; to provide
12 for construction; to revise definitions; to provide express authorization for the Department
13 of Corrections and the Department of Juvenile Justice to petition for the creation of, operate,
14 and contract with virtual charter schools for students up to 21 years of age; to provide for
15 duties of the state board of education, charter petitioners seeking to create virtual charter
16 schools, and local boards of education; to clarify references to home study programs; to limit
17 the application of certain charter school requirements to virtual charter schools; to authorize
18 requiring proof of residency and attendance of students enrolled in virtual charter schools;
19 to provide for funding of virtual charter schools; to provide for related matters; to repeal
20 conflicting laws; and for other purposes.

21 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

22 **SECTION 1.**
23 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
24 secondary education, is amended in Code Section 20-2-133, relating to free public education,

1 by inserting in subsection (b) a new paragraph to be designated paragraph (8) to read as
2 follows:

3 "(8) Notwithstanding any other provision of this Code section or this title, local units of
4 administration are authorized to enter charter school agreements with virtual charter
5 schools and with the Department of Juvenile Justice or the Department of Corrections,
6 as applicable, for the enrollment of any person in the physical custody of the Department
7 of Juvenile Justice or the Department of Corrections, provided that such person is not
8 older than 21 years of age."

9 **SECTION 2.**

10 Said chapter is further amended in Code Section 20-2-150, relating to eligibility for
11 enrollment, by striking subsection (b) and inserting in lieu thereof the following:

12 "(b)(1) A child who was a legal resident of one or more other states for a period of two
13 years immediately prior to moving to this state and who was legally enrolled in a public
14 kindergarten or first grade, or a kindergarten or first grade accredited by a state or
15 regional association, shall be eligible for enrollment in the appropriate general or special
16 education programs authorized in this part if such child will attain the age of five for
17 kindergarten or six for first grade by December 31 and is otherwise qualified.

18 (2) A person who is in the physical custody of the Department of Juvenile Justice or the
19 Department of Corrections is eligible for enrollment in a virtual charter school until such
20 person attains the age of 21 years."

21 **SECTION 3.**

22 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
23 secondary education, is amended by inserting a new Code section to be designated Code
24 Section 20-2-212.4 to read as follows:

25 "20-2-212.4.

26 (a) As used in this Code section:

27 (1) 'National certification' means a Certificate of Clinical Competence from the
28 American Speech-Language-Hearing Association in Speech Language Pathology or
29 audiology.

30 (2) 'School speech-language pathologist or audiologist' means a person who holds a
31 valid Georgia teaching certificate.

32 (b) Any school speech-language pathologist or audiologist who:

33 (1) Has completed 20 years of employment as a school speech-language pathologist or
34 audiologist in Georgia public schools by the 2003-2004 school year, 15 years of
35 employment as a school speech-language pathologist or audiologist in Georgia public

1 schools by the 2004-2005 school year, or ten years of employment as a school
 2 speech-language pathologist or audiologist in Georgia public schools by the 2005-2006
 3 school year;

4 (2) Has not previously received state funds for participating in any certification area in
 5 the national certification program; and

6 (3) Has successfully completed the requirements for and has received national
 7 certification

8 shall receive not less than a 10 percent increase annually in state salary for each year such
 9 person holds national certification. Such increase shall be awarded at the commencement
 10 of the school year following such national certification and each such year thereafter,
 11 provided that such increase shall not be payable for any school year prior to the 2003-2004
 12 school year. The 10 percent increase shall be computed based on the state salary for such
 13 individual for the school year when the increase is first awarded and recomputed each
 14 subsequent year based on the individual's state salary for that school year. The increase
 15 in state salary provided by this Code section shall be in addition to any other increase for
 16 which the person is eligible.

17 (c) A school speech-language pathologist or audiologist shall be granted two days of
 18 approved paid leave to prepare the documentation required for national certification.

19 (d) The state shall reimburse a school speech-language pathologist or audiologist for the
 20 national certification program participation fee upon certification if the school
 21 speech-language pathologist or audiologist is eligible for a salary increase pursuant to
 22 subsection (b) of this Code section.

23 (e) A school speech-language pathologist or audiologist for whom the State of Georgia
 24 pays the participation fee and who does not serve as a school speech-language pathologist
 25 or audiologist in a Georgia public school for at least one year after receiving national
 26 certification shall repay the participation fee to the state. Repayment is not required if the
 27 school speech-language pathologist or audiologist is unable to complete the additional year
 28 due to the death or disability of the school speech-language pathologist or audiologist.

29 (f) The provisions of this Code section shall become effective upon the approval of
 30 funding of such increase and related expenditures by the General Assembly."

31 **SECTION 4.**

32 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by striking
 33 Code Section 20-2-2061, relating to legislative intent, and inserting in lieu thereof the
 34 following:

35 "20-2-2061.

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

6 SECTION 5.

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

10 "(2) 'Charter petitioner' means a local school, private individual, private organization,
 11 or state or local public entity that submits a petition for a charter. The term 'charter
 12 petitioner' does not include home study programs ~~or schools~~ as defined by Code Section
 13 20-2-690, sectarian schools, religious schools, private for profit schools, private
 14 educational institutions not established, operated, or governed by the State of Georgia,
 15 or existing private schools."

16 "(7) 'Local charter school' means a conversion charter school, ~~or start-up charter school,~~
 17 or virtual charter school that is operating under the terms of a charter between the charter
 18 petitioner and the local board."

19 "(17) 'Virtual charter school' means a charter school in which the teacher and the students
 20 may be in different locations for a majority of the time in which instruction occurs, and
 21 the teacher establishes the curriculum, all lesson plans, and all assessments in conjunction
 22 with a local board of education, pursuant to the terms of a charter. The Department of
 23 Corrections and the Department of Juvenile Justice are authorized to submit petitions for
 24 the creation of virtual charter schools subject to this article, to operate virtual charter
 25 schools, and to enter contracts with local units of administration and with virtual charter
 26 schools, provided that such virtual charter schools are authorized or are to be authorized
 27 to enroll any person under the age of 21 years who is in the physical custody of the
 28 Department of Corrections or the Department of Juvenile Justice. Each teacher in a
 29 virtual charter school shall hold and maintain a valid Georgia teaching certificate as
 30 defined by the Professional Standards Commission."

31 SECTION 6.

32 Said chapter is further amended in Code Section 20-2-2063, relating to minimum
 33 requirements for charter petitions, by inserting a new paragraph to be designated paragraph
 34 (4) to read as follows:

1 nonprofit status shall not prevent the school from contracting for the services of a for
2 profit entity;"

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

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

12 SECTION 9.

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

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

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

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

28 ~~(2)~~ (3) A student who resides outside the school system in which the local charter school
29 is located may not enroll in that local charter school except pursuant to a contractual
30 agreement between the local boards of the school system in which the student resides and
31 the school system in which the local charter school is located. Unless otherwise provided
32 in such contractual agreement, a local charter school may give enrollment preference to
33 a sibling of a nonresident student currently enrolled in the local charter school."

SECTION 10.

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

"20-2-2068.1.

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

(b) The local board and the state board shall treat a virtual charter school no less favorably than other local schools within the applicable local system with respect to the provision of funds for instruction and school administration and, where feasible, transportation, food services, and building programs. A virtual charter school shall report enrolled students in a manner consistent with Code Section 20-2-160. A local board may require appropriate documentation from the virtual charter school in order to ensure that all reports are accurate. However, nothing in this article shall be construed to limit the base amount of funds earned by the virtual charter school pursuant to this Code section and Article 6 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

16 **SECTION 11.**

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