

House Bill 629

By: Representatives Chambers of the 81st, Thomas of the 55th, Coleman of the 97th, Jacobs of the 80th, and Millar of the 79th

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 revise legislative intent relative to charter
3 schools; to add a definition; to provide for the establishment of virtual charter schools; to
4 repeal Code Section 20-2-2063.1, relating to exemption of charter schools from statutory and
5 regulatory requirements; to provide that a denial by a local board of a charter petition or
6 renewal for a conversion or start-up charter school may be appealed to the State Board of
7 Education; to provide that a charter school shall not be subject to the provisions of Title 20
8 and other regulations; to change certain provisions relating to operating requirements,
9 control, and management; to change certain provisions relating to admission, enrollment, and
10 withdrawal of students; to change certain provisions relating to the term and length of a
11 charter; to change the provisions relating to the annual required report on the progress of the
12 school; to revise and clarify certain provisions relating to funding for charter schools; to
13 change certain provisions relating to purposes for which facilities funds may be used and
14 upkeep of charter school property; to change certain provisions relating to the annual report
15 to the General Assembly; to provide for related matters; to repeal conflicting laws; and for
16 other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
20 secondary education, is amended by striking Code Section 20-2-2061, relating to legislative
21 intent, and inserting in lieu thereof the following:

22 "20-2-2061.

23 ~~It is the intent of the General Assembly to provide a means whereby a petitioner may seek~~
24 ~~a performance based contract called a charter, which ties improved performance to the~~
25 ~~waiver of specifically identified state and local rules, regulations, policies, procedures, and~~
26 ~~identified provisions of this title other than the provisions of this article. In addition to~~

1 ~~specifically identified provisions of this title, a charter school shall be exempt from~~
 2 ~~provisions listed in Code Section 20-2-2063.1. It is the intent of the General Assembly to~~
 3 ~~increase student achievement through academic and organizational innovation by~~
 4 ~~encouraging local school systems to utilize the flexibility offered by chartering.~~"

5 SECTION 2.

6 Said chapter is further amended in Code Section 20-2-2062, relating to definitions, by
 7 inserting a new paragraph (5.1) to read as follows:

8 "(5.1) 'High school cluster' means a local charter high school and all of the charter middle
 9 and elementary schools which contain students who matriculate to such high school."

10 SECTION 3.

11 Said chapter is further amended by striking Code Section 20-2-2063, relating to minimum
 12 requirements for charter petitions, and inserting in lieu thereof the following:

13 "20-2-2063.

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

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

21 (2) The state board shall require that a petition describe how it will measure the
 22 improvement in such performance and over what period of time, provided that such
 23 requirement shall not waive the accountability provisions of Part 3 of Article 2 of Chapter
 24 14 of this title; and

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

28 (b) The State Board of Education shall establish rules, regulations, policies, and
 29 procedures to provide for the receipt of charter petitions from a group of two or more local
 30 schools as a single charter petitioner to convert to conversion charter school status. An
 31 existing conversion charter school may join as part of a group charter petition, and if such
 32 group charter petition is approved, the new charter shall supersede the conversion charter
 33 school's previous charter. A group charter petition may be comprised of all the schools in
 34 a high school cluster as such term is defined in Code Section 20-2-2062.

1 (c) The State Board of Education shall establish rules, regulations, policies, and procedures
 2 to provide for charter petitions from two or more local school systems to jointly authorize
 3 a local charter school."

4 **SECTION 4.**

5 Said chapter is further amended by repealing in its entirety Code Section 20-2-2063.1,
 6 relating to exemption of charter schools from statutory and regulatory requirements.

7 **SECTION 5.**

8 Said chapter is further amended by striking Code Section 20-2-2064.1, relating to review of
 9 charter by state board and charters for state chartered special schools, and inserting in lieu
 10 thereof the following:

11 "20-2-2064.1.

12 (a) The state board shall approve the charter of a charter petitioner if the petition has been
 13 approved by the local board of the local school system in which the proposed charter
 14 school will be located and the state board finds that the petition complies with the rules,
 15 regulations, policies, and procedures promulgated in accordance with Code Section
 16 20-2-2063 and the provisions of this title and is in the public interest. If the state board
 17 denies a petition, it must within 60 days specifically state the reasons for the denial, list all
 18 deficiencies with regard to Code Section 20-2-2063, and provide a written statement of the
 19 denial to the charter petitioner and to the local board.

20 (b) No application for a state chartered special school may be made to the state board by
 21 a petitioner for a conversion charter school that has been denied by a local board. Upon
 22 denial of a petition for a start-up charter school by a local board and upon application to
 23 the state board by the petitioner, the state board shall approve the charter of a start-up
 24 charter petitioner for a state chartered special school if the state board finds that such
 25 petition meets the requirements set forth in Code Section 20-2-2063 and the provisions of
 26 this title, and is in the public interest.

27 (c)(1) If a local board denies a charter petition or a renewal petition for a conversion
 28 charter school or a start-up charter school, the charter petitioner may initiate an appeal
 29 to the state board, provided that two members of the local board voted to approve the
 30 charter petition or the renewal petition. The charter petitioner shall provide the state board
 31 and the local board with a notice of appeal no later than 30 days after receipt of the local
 32 board's written statement of denial. The state board shall promulgate rules and
 33 regulations to govern the appeals process.

34 (2) After an opportunity for a hearing concerning the local board's denial, the state
 35 board's decision shall be binding on the local board."

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

4 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
 5 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

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

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

10 SECTION 7.

11 Said chapter is further amended in Code Section 20-2-2066, relating to admission,
 12 enrollment, and withdrawal of students, by striking paragraph (1) of subsection (a) and
 13 inserting in lieu thereof a new paragraph (1) of subsection (a) to read as follows:

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

22 (A) For a conversion charter school, students who were enrolled in the local school
 23 prior to its becoming a conversion charter school;

24 (B) A sibling of a resident student currently enrolled in the local charter school or high
 25 school cluster; and

26 (C) Students whose parent or guardian is a member of the governing board of the
 27 charter school or is a full-time teacher, professional, or other employee at the charter
 28 school;

29 (D) Students matriculating from one charter school to another pursuant to a
 30 matriculation agreement between the charter schools which has been approved by the
 31 authorizing local board or state board, as appropriate; and

32 (E) Students who reside in the attendance zone specified in the charter; and"

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 no less favorably than other local schools located within the applicable
 18 school system and shall calculate and distribute the funding for the start-up charter school
 19 on the basis of its actual or projected enrollment in the current school year."

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

28 SECTION 10.

29 Said chapter is further amended by striking Code Section 20-2-2068.2, relating to facilities
 30 fund for charter schools, purposes for which funds may be used, upkeep of charter school
 31 property, and receipt of surplus from board of education, by striking subsections (c) and (e)
 32 and inserting in lieu thereof new subsections(c) and (e) to read as follows:

33 "(c) A charter school's governing body may use moneys from the facilities fund for the
 34 following purposes:

35 (1) Purchase of real property;

- 1 (2) Construction of school facilities, including initial and additional equipment and
 2 furnishings;
- 3 (3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;
- 4 (4) Purchase of vehicles to transport students to and from the charter school; and
- 5 (5) Renovation, repair, and maintenance of school facilities that the charter school owns
 6 or is purchasing through a lease-purchase or long-term lease of five years or longer.”
- 7 “(e) Local boards are required to renovate, repair, and maintain the school facilities of
 8 charter schools in the district to the same extent as other public schools in the district if the
 9 local board owns the charter school facility, unless otherwise agreed upon by the petitioner
 10 and the local board in the charter.”

11 **SECTION 11.**

12 Said chapter is further amended by striking Code Section 20-2-2070, relating to annual report
 13 to the general assembly, and inserting in lieu thereof the following:

14 “20-2-2070.

15 The state board shall report to the General Assembly no later than ~~November~~ December
 16 31 of each year on the status of the charter school program.”

17 **SECTION 12.**

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