

Senate Bill 39

By: Senators Weber of the 40th, Moody of the 56th, Williams of the 19th, Tarver of the 22nd, Carter of the 13th and others

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,
2 relating to charter schools, so as to enact the 'Charter Systems Act'; to provide for legislative
3 findings; to provide for the establishment of charter systems; to revise and add definitions;
4 to provide for the establishment of the Charter Advisory Committee; to provide for
5 requirements for petitions for charter systems; to revise certain provisions relating to the
6 approval or denial of a charter petition; to revise certain provisions relating to the review of
7 charters; to provide for terms and renewals of charter systems; to provide for waivers and
8 operating requirements, control, and management for charter systems; to provide for
9 termination of charter systems; to revise certain provisions relative to funding of charter
10 schools; to provide for facilities funds for charter systems; to change certain provisions
11 relative to the Office of Charter School Compliance; to revise provisions for purposes of
12 conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Charter Systems Act."

16 **SECTION 2.**

17 The General Assembly finds that schools and school systems should be given high flexibility
18 to tailor their educational programs to meet the unique needs of their communities. In
19 furtherance of this, schools and school systems should be encouraged to use innovative
20 educational programs including local management of schools and should be provided
21 resources to help design and implement innovative programs. The General Assembly further
22 finds that schools and school systems shall be held accountable for student achievement.

1 definitions, by revising paragraphs (1), (2), (8), and (11), and by inserting new paragraphs
2 (3.1) and (17), as follows:

3 "(1) 'Charter' means a performance based contract between a local board and a charter
4 petitioner, the terms of which are approved by the local board and by the state board in
5 the case of a local charter school, ~~or~~ between the state board and a charter petitioner, the
6 terms of which are approved by the state board in the case of a state chartered special
7 school, or between a local board and the state board, the terms of which are approved by
8 the state board in the case of a charter system. By entering into a charter, a petitioner and
9 local board shall be deemed to have agreed to be bound to all the provisions of this article
10 as if such terms were set forth in the charter."

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

16 "(3.1) 'Charter system' means a local school system that is operating under the terms of
17 a charter pursuant to Code Section 20-2-2063.1."

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

26 "(11) 'Petition' means a proposal to establish a charter school or a charter system."

27 "(17) 'System charter school' means a school within a charter system."

28 **SECTION 4.**

29 Said article is further amended in Code Section 20-2-2063, relating to minimum
30 requirements for charter petitions, by adding a new subsection to the end of such Code
31 section as follows:

32 "(d) The State Board of Education shall establish rules, regulations, policies, and
33 procedures to provide for a charter petition from a local school system to establish a charter
34 system. Such rules, regulations, policies, and procedures shall require that a charter
35 petition contain an explanation of the structure, rights, and responsibilities of the principal
36 and governing council of the system charter school, with an objective of maximizing

1 school level governance and the involvement of parents, teachers, and community members
 2 in such governance. School level governance shall include, but not be limited to, autonomy
 3 in personnel decisions, financial decisions, curriculum, optimization of resource allocation,
 4 and decisions relating to food service, transportation, scheduling, and facilities.”

5 SECTION 5.

6 Said article is further amended by adding new Code sections as follows:

7 "20-2-2063.1.

8 (a) The state board shall establish a Charter Advisory Committee to review charter
 9 petitions for compliance with established standards of the state board, to make
 10 recommendations to the state board on charter policy, and to provide recommendations to
 11 the state board regarding charter petitions. The committee shall be composed of nine
 12 members as follows:

13 (1) Three state board members appointed by the chairperson of the state board;

14 (2) Three members appointed by the Lieutenant Governor; and

15 (3) Three members appointed by the Speaker of the House of Representatives.

16 The committee shall elect a chairperson from among its membership.

17 (b) The committee shall conduct itself in accordance with any rules and guidelines
 18 established by the state board with regard to timeframes, procedures, and protocol.

19 (c) The committee shall be authorized to request clarifying information from a charter
 20 petitioner and to receive input from interested parties on a charter petition.

21 (d) The committee shall:

22 (1) Make recommendations to the state board of approval or denial on each charter
 23 petition and shall specify the reasons for such recommendations; and

24 (2) Periodically make recommendations to the state board regarding charter policy;

25 (3) Make recommendations to the state board on the disbursement of planning grants for
 26 charter systems, if funds are made available.

27 (e) The committee shall be authorized to enter into contracts, subject to available funding,
 28 with one or more consultants to assist the committee in its duties and if directed to do so
 29 by the committee, to do the following:

30 (1) Assist charter petitioners in the drafting of their petitions;

31 (2) Assist charter petitioners in the design and implementation of innovative education
 32 programs and school level governance based on research, model programs, or other
 33 credible information;

34 (3) Monitor and assist charter schools and charter systems; and

35 (4) Perform any other functions related to the support of the committee.

1 (f) The committee shall work in cooperation with the Office of Charter School
2 Compliance, as established pursuant to Code Section 20-2-2069.

3 (g) The members of the committee shall receive no compensation for their services but
4 shall be reimbursed for actual and necessary expenses incurred by them in carrying out
5 their duties.

6 (h) The committee shall be assigned to the Department of Education for administrative
7 purposes only, as prescribed in Code Section 50-4-3.

8 20-2-2063.2.

9 (a) The state board shall be authorized to enter into a charter with a local board to establish
10 a local school system as a charter system.

11 (b) A local board seeking to create a charter system must submit a petition to the state
12 board. Prior to submitting such petition, the local board shall:

13 (1) Adopt a resolution approving the proposed charter system petition;

14 (2) Conduct at least two public hearings and provide notice of the hearings in the same
15 manner as other legal notices of the local board; and

16 (3) Send a notice to each principal within the local school system of the hearings with
17 instructions that each school shall distribute the notice to the parent or guardian of each
18 student enrolled in the school.

19 The local board may revise its proposed charter system petition, upon resolution, as a result
20 of testimony at the public hearings or for other purposes.

21 (c) Prior to approval or denial of a charter petition for a charter system, the state board
22 shall receive and give all due consideration to the recommendation and input from the
23 Charter Advisory Committee established in Code Section 20-2-2063.1. The state board
24 shall approve the charter if the state board finds, after receiving input from the Charter
25 Advisory Committee, that the petition complies with the rules, regulations, policies, and
26 procedures promulgated pursuant to Code Section 20-2-2063 and the provisions of this
27 title, is in the public interest, and promotes school level governance.

28 (d) All schools within an approved charter system shall be charter schools. The local
29 board of an approved charter system shall promulgate policies to ensure that the individual
30 needs of students and schools in the local school system are met.

31 (e) Employees of a local board which becomes a charter system shall be considered to be
32 continuous employees of such local board without any interruption of employment.

33 (f)(1) Subject to appropriations by the General Assembly or other available funding, the
34 state board, after receiving input and recommendations from the Charter Advisory
35 Committee, shall disburse planning grants to local school systems which desire to

1 become charter systems. Such grants will be disbursed in accordance with any applicable
2 guidelines, policies, and requirements established by the state board.

3 (2) Subject to specific appropriations by the General Assembly for this purpose, the state
4 board shall disburse implementation grants in the amount of \$125,000.00 or such other
5 amount as determined by the state board to each charter system. The state board shall be
6 authorized to approve up to five petitions for charter systems during fiscal year 2008 and
7 up to five petitions per year thereafter.

8 (g) A system charter school shall not be precluded from petitioning to become a
9 conversion charter school, in accordance with Code Section 20-2-2064, not subject to the
10 terms of the system charter. In the event a system charter school becomes a conversion
11 charter school, the system charter shall be amended to reflect that such school is no longer
12 bound by the system charter."

13 SECTION 6.

14 Said article is further amended by revising Code Section 20-2-2064, relating to approval or
15 denial of petition, as follows:

16 "20-2-2064.

17 (a) A charter petitioner seeking to create a conversion charter school must submit a
18 petition to the local board of the local school system in which the proposed charter school
19 will be located. The local board must by a majority vote approve or deny a petition no later
20 than 60 days after its submission unless the petitioner requests an extension; provided,
21 however, that a denial of a petition by a local board shall not preclude the submission to
22 the local board of a revised petition that addresses deficiencies cited in the denial; and
23 provided, further, that the local board shall not act upon a petition for a conversion charter
24 school until such petition:

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

29 (2) Has been freely agreed to, by secret ballot, by a majority of parents or guardians of
30 students enrolled in the petitioning local school present at a public meeting called with
31 two weeks' advance notice for the purpose of deciding whether to submit the petition to
32 the local board for its approval.

33 This subsection shall not apply to a system charter school petitioning to be a conversion
34 charter school.

35 (b) A charter petitioner seeking to create a start-up charter school must submit a petition
36 to the local board of the local school system in which the proposed charter school will be

1 located. The local board must by a majority vote approve or deny a petition no later than
 2 60 days after its submission unless the petitioner requests an extension. A denial of a
 3 petition by a local board shall not preclude the submission to the local board of a revised
 4 petition that addresses deficiencies cited in the denial.

5 (c) A system charter school's school council or governing council, as applicable, may
 6 petition to become a conversion charter school. The petition shall be submitted to the local
 7 board of the charter system in which the school is located. The local board must by a
 8 majority vote approve or deny a petition no later than 60 days after its submission unless
 9 the petitioner requests an extension; provided, however, that a denial of a petition by a local
 10 board shall not preclude the submission to the local board of a revised petition that
 11 addresses deficiencies cited in the denial.

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

18 ~~(d)~~(e) The state board or the Charter Advisory Committee, if directed by the state board
 19 to do so, may mediate between the local board and a charter petitioner whose petition was
 20 denied to assist in resolving issues which led to denial of the petition by the local board."

21 SECTION 7.

22 Said article is further amended by revising Code Section 20-2-2064.1, relating to review of
 23 charter by state board, as follows:

24 "20-2-2064.1.

25 (a) Prior to approval or denial of a charter petition under this Code section, the state board
 26 shall receive and give all due consideration to the recommendation and input from the
 27 Charter Advisory Committee established in Code Section 20-2-2063.1.

28 (b) The state board shall approve the charter of a charter petitioner if the petition has been
 29 approved by the local board of the local school system in which the proposed charter
 30 school will be located and the state board finds, after receiving input from the Charter
 31 Advisory Committee, that the petition complies with the rules, regulations, policies, and
 32 procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of
 33 this title and is in the public interest. If the state board denies a petition, it must within 60
 34 days specifically state the reasons for the denial, list all deficiencies with regard to Code
 35 Section 20-2-2063, and provide a written statement of the denial to the charter petitioner
 36 and to the local board.

1 ~~(b)~~(c) No application for a state chartered special school may be made to the state board
 2 by a petitioner for a conversion charter school that has been denied by a local board. Upon
 3 denial of a petition for a start-up charter school by a local board and upon application to
 4 the state board by the petitioner, the state board shall approve the charter of a start-up
 5 charter petitioner for a state chartered special school if the state board finds, after receiving
 6 input from the Charter Advisory Committee, that such petition meets the requirements set
 7 forth in Code Section 20-2-2063 and the provisions of this title, and is in the public
 8 interest."

9 SECTION 8.

10 Said article is further amended by revising Code Section 20-2-2065, relating to operating
 11 requirements, control, and management, as follows:

12 "20-2-2065.

13 (a) Except as provided in this article or in a charter, a charter school, or for charter
 14 systems, each school within the system, shall not be subject to the provisions of this title
 15 or any state or local rule, regulation, policy, or procedure relating to schools within an
 16 applicable school system regardless of whether such rule, regulation, policy, or procedure
 17 is established by the local board, the state board, or the Department of Education; provided,
 18 however, that the state board may establish rules, regulations, policies, or procedures
 19 consistent with this article relating to charter schools. In exchange for such a waiver, the
 20 charter school agrees to meet or exceed the performance based goals included in the charter
 21 and approved by the local board or, for the charter system, the system agrees to meet or
 22 exceed the system-wide performance based goals included in the charter and approved by
 23 the state board, including but not limited to raising student achievement.

24 (b) In determining whether to approve a charter petition or renew an existing charter, the
 25 local board and state board shall ensure that a charter school, or for charter systems, each
 26 school within the system, shall be:

27 (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based,
 28 provided that a charter school's nonprofit status shall not prevent the school from
 29 contracting for the services of a for profit entity and that nothing in this Code section
 30 shall preclude the use of computer and Internet based instruction for students in a virtual
 31 or remote setting;

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

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

1 (4) Organized and operated as a nonprofit corporation under the laws of this state;
 2 provided, however, that this paragraph shall not apply to any charter petitioner that is a
 3 local school, local school system, or state or local public entity;

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

8 (6) Subject to all laws relating to unlawful conduct in or near a public school;

9 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in
 10 the charter, by an independent certified public accountant licensed in this state;

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

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

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

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

20 **SECTION 9.**

21 Said article is further amended in Code Section 20-2-2066, relating to admission, enrollment,
 22 and withdrawal of students, by adding a new subsection as follows:

23 "(b.1) A charter system shall enroll students in its system charter schools per the terms of
 24 the charter and in accordance with state board rules."

25 **SECTION 10.**

26 Said article is further amended by revising Code Section 20-2-2067.1, relating to amendment
 27 of terms of charter for charter school, initial term of charter, and annual report, as follows:

28 "20-2-2067.1.

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

31 The terms of a charter for a state chartered special school may be amended during the term
 32 of the charter upon the approval of the state board and the charter school. The terms of a
 33 charter for a charter system may be amended during the term of the charter upon approval
 34 of the state board and the local board.

1 (b) The initial term of a charter shall be for a minimum of five years, unless the petitioner
 2 shall request a shorter period of time, and shall not exceed ten years. The local board and
 3 the state board, in accordance with Code Section 20-2-2064.1, may renew a local charter,
 4 upon the request of the charter school, for the period of time specified in the request, not
 5 to exceed ten years. The state board may renew a state chartered special school, upon the
 6 request of the school, for the period of time specified in the request, not to exceed ten
 7 years. The state board may renew the charter of a charter system, upon the request of the
 8 local board, for the period of time specified in the request, not to exceed ten years.

9 (c) A charter school and a charter system shall submit an annual report outlining the
 10 previous year's progress to the authorizing local board or state board, as appropriate; to
 11 parents and guardians of students enrolled in the school, or for a charter system, each
 12 school within the local school system; and to the Department of Education no later than
 13 October 1 of each year. The report shall contain, but is not limited to:

14 (1) An indication of progress toward the goals as included in the charter;

15 (2) Academic data for the previous year, including state academic accountability data,
 16 such as standardized test scores and adequate yearly progress data;

17 (3) Unaudited financial statements for the fiscal year ending on June 30, provided that
 18 audited statements will be forwarded to the local board and state board upon completion;

19 (4) Updated contact information for the school and the administrator, and for charter
 20 systems, each system charter school and its respective administrator;

21 (5) Proof of current nonprofit status, if applicable; and

22 (6) Any other supplemental information that the charter school or charter system chooses
 23 to include or that the state board requests that demonstrates ~~its~~ that school or system's
 24 success."

25 SECTION 11.

26 Said chapter is further amended by revising Code Section 20-2-2068, relating to charter
 27 amendments and terminations, as follows:

28 "20-2-2068.

29 (a) The state board may terminate a charter under the following circumstances:

30 (1)(A) If a majority of the parents or guardians of students enrolled at the charter
 31 school vote by a majority vote to request the termination of its charter at a public
 32 meeting called with two weeks' advance notice and for the purpose of deciding whether
 33 to request the state board to declare the charter null and void; or

34 (B) If a majority of the faculty and instructional staff employed at the charter school
 35 vote by a majority vote to request the termination of its charter at a public meeting

1 called with two weeks' advance notice and for the purpose of deciding whether to
2 request the state board to declare the charter null and void;

3 This paragraph shall not apply to system charter schools.

4 (2) If, after providing reasonable notice to the charter school or charter system, as
5 applicable, and an opportunity for a hearing, the state board finds:

6 (A) A failure to comply with any recommendation or direction of the state board with
7 respect to Code Section 20-14-41;

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

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

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

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

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

16 (3) Upon the written request of a local board for termination of a charter for a local
17 charter school located within its school system if, prior to making such request, the local
18 board provided reasonable notice to the charter school and an opportunity for a hearing,
19 and determined the existence of any of the grounds described in paragraph (2) of this
20 Code section.

21 (b) For a system charter school, if the school council or governing council, as applicable,
22 at such school within the charter system requests that:

23 (1) The system charter be terminated; or

24 (2) The system charter be amended with respect to such system charter school;

25 the state board, after providing reasonable notice to the charter system and the system
26 charter school, shall conduct a hearing. Based on the findings of the hearing, the state
27 board may enter into negotiations with the charter system to amend the charter to address
28 the concerns of the requesting system charter school. If negotiations fail and the state
29 board finds good cause, the state board shall be authorized to terminate the system charter
30 or to amend the system charter with respect to the requesting system charter school;
31 provided, however, that the local board shall be authorized to terminate the system charter
32 if it is unwilling to accept the amendments to such charter by the state board. 'Good cause'
33 includes but is not limited to a local board's failure to comply with its obligations and
34 duties under the system charter, state board rules, or other applicable law, or other good
35 cause as determined in the sole discretion of the state board."

SECTION 12.

Said chapter is further amended in Code Section 20-2-2068.1, relating to application of the Quality Basic Education Formula, grants, local tax revenue, and funds from local bonds, by revising subsections (a), (b), and (c) as follows:

"(a) A local charter school and a system charter school 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 or system charter school is located under Article 6 of this chapter. The local board and the state board shall treat a conversion charter school and a system 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, where feasible, building programs.

(b) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and applicable federal grants earned by a local charter school or system charter school shall be distributed to the local charter school or system charter school by the local board; provided, however, that state equalization grant earnings shall be distributed as provided in subsection (c) of this Code section. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development. The local charter school and system charter school shall report enrolled students in a manner consistent with Code Section 20-2-160.

(c) In addition to the earnings set out in subsection (b) of this Code section, local revenue shall be allocated to a local charter school or system charter school on the same basis as for any local school in the local school system. In the case of a start-up charter school or system charter school, local revenue earnings shall be calculated as follows:

(1) Determine the total amount of state and local five mill share funds earned by students enrolled in the local start-up charter school or system charter school as calculated by the Quality Basic Education Formula pursuant to Part 4 of Article 6 of this chapter including any funds for psychologists and school social workers but excluding five percent of any system-wide funds for central administration ~~and pupil transportation~~ and excluding any categorical grants not applicable to the charter school;

(2) Determine the total amount of state and local five mill share funds earned by all students in the public schools of the local school system, including any charter schools

1 that receive local revenue, as calculated by the Quality Basic Education Formula but
2 excluding categorical grants and other nonQBE formula grants;

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

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

7 The product obtained in paragraph (4) of this subsection shall be the amount of local funds
8 to be distributed to the local start-up charter school or system charter school by the local
9 board; provided, however, that nothing in this subsection shall preclude a charter petitioner
10 and a local board of education from specifying in the charter a greater amount of local
11 funds to be provided by the local board to the local start-up charter school or system charter
12 school if agreed upon by all parties to the charter. Local funds so earned shall be
13 distributed to the local start-up charter school or system charter school by the local board.
14 Where feasible and where services are provided, funds for ~~transportation, food service~~
15 ~~programs, and~~ construction projects shall also be distributed to the local start-up charter
16 school as earned. In all other fiscal matters, including applicable federal allotments, the
17 local board shall treat the local start-up charter school or system charter school no less
18 favorably than other local schools located within the applicable school system and shall
19 calculate and distribute the funding for the start-up charter school or system charter school
20 on the basis of its actual or projected enrollment in the current school year according to an
21 enrollment counting procedure or projection method stipulated in the terms of the charter."

22 SECTION 13.

23 Said chapter is further amended in Code Section 20-2-2068.2, relating to facilities fund for
24 charter schools, purposes for which funds may be used, upkeep of charter school property,
25 and receipt of surplus from board of education, by revising subsections (a) and (h) as follows:

26 "(a) From moneys specifically appropriated for such purpose, the state board shall create
27 a facilities fund for local charter schools, ~~and~~ state chartered special schools, and system
28 charter schools for the purpose of establishing a per pupil, need based facilities aid
29 program."

30 "(h) Each local board of education that has designated any facility or property as surplus,
31 intended for disposal, or otherwise unused shall make such facility or property available
32 for lease or purchase by a local charter school or a system charter school on the same basis
33 as it makes such facility or property available to other public schools under the control and
34 management of the local board of education. A conversion charter school or system charter
35 school may not be charged a rental or leasing fee for the existing facility or for property
36 normally used by the public school which became the conversion charter school. A local

1 charter school or a system charter school that receives property from a local board may not
 2 sell or dispose of such property without the written permission of the local board."

3 **SECTION 14.**

4 Said chapter is further amended by revising Code Section 20-2-2069, relating to the Office
 5 of Charter School Compliance, as follows:

6 "20-2-2069.

7 There is established within the Department of Education an Office of Charter School
 8 Compliance, the responsibilities of which shall be to:

9 (1) Prepare charter school and charter system guidelines to be approved by the state
 10 board;

11 (2) Distribute charter school and charter system petition information to inquiring parties;

12 (3) Process all charter school and charter system petitions and coordinate with the
 13 Charter Advisory Committee established pursuant to Code Section 20-2-2063.1 to
 14 facilitate its review and recommendations to the state board ~~for consideration by the state~~
 15 ~~board;~~

16 (4) Administer any state or federal charter school implementation grant program;

17 (5) Contract with an independent party to evaluate the performance of charter schools
 18 and charter systems, as such performance relates to fulfilling the terms of their charters;
 19 and

20 (6) Compile information necessary to produce the annual report required by Code
 21 Section 20-2-2070."

22 **SECTION 15.**

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