

The Senate Education and Youth Committee offered the following substitute to HB 251:

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 the option for parents to enroll their
3 child in another school within the local school system or in a school in another local school
4 system; to provide for definitions; to provide for statutory construction; to provide for related
5 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
10 secondary education, is amended by adding a new article to read as follows:

11 "ARTICLE 34

12 20-2-2130.

13 As used in this article, the term:

14 (1) 'Department' means the Department of Education.

15 (2) 'Parent' means a biological parent, legal guardian, custodian, or other person with
16 legal authority to act on behalf of a child.

17 (3) 'Resident school system' means the public school system in which the student would
18 be enrolled based on his or her residence.

19 20-2-2131.

20 (a) The parent of a student enrolled in a public elementary or secondary school in this state
21 may:

22 (1)(A) Beginning in school year 2009-2010, elect to enroll such student in a public
23 school that is located within the school system in which the student resides other than

24 the one to which the student has been assigned by the local board of education if such
25 school has classroom space available after its assigned students have been enrolled. The
26 parent shall assume the responsibility and cost of transportation of the student to and
27 from the school.

28 (B) No later than July 1, 2009, each local school system shall establish a universal,
29 streamlined process available to all students to implement the transfer requirements of
30 subparagraph (A) of this paragraph.

31 (C) A student who transfers to another school pursuant to this paragraph may, at his
32 or her election, continue to attend such school until the student completes all grades of
33 the school.

34 (D) This paragraph shall not be construed to affect any student currently attending a
35 school other than the school to which the student has been assigned by the local board
36 of education pursuant to a transfer authorized under the federal No Child Left Behind
37 Act (P.L. 107-110); or

38 (2) Beginning in school year 2010-2011, request a transfer for the student to attend a
39 public school outside of the student's resident school system. It shall be in the sole
40 discretion of the local board of education, with input from the school council of the
41 desired school, to accept students pursuant to this paragraph. If the parent chooses this
42 option, then the parent shall be responsible for transportation to and from such school.
43 The parent of a student transferring to another school pursuant to this paragraph shall be
44 required to sign a standard contract with the receiving school agreeing that the parent and
45 student will abide by all school rules and procedures and that the violation of any such
46 rules or procedures may result in being removed from the school. If the school accepts
47 the student, such system shall report the student for purposes of funding to the
48 department. The department shall pay to each receiving school through appropriation of
49 state and federal funds an amount equal to the sum of:

50 (A) QBE formula earnings, QBE grants, and federal grants earned by the school based
51 on the school's enrollment, school profile, and student characteristics. QBE formula
52 earnings shall include the salary portion of direct instructional costs, the adjustment for
53 training and experience, the nonsalary portion of direct instructional costs, and earnings
54 for psychologists and school social workers, school administration, facility maintenance
55 and operation, media centers, additional days of instruction in accordance with Code
56 Section 20-2-184.1, and staff development;

57 (B) A proportional share of state categorical grants, non-QBE state grants, state
58 equalization grants, and all other state and federal grants; and

59 (C) An amount determined by the department for each student enrolled in such school
 60 equal to a proportional share of local revenue from the local school system in which the
 61 student attending the school resides.

62 The total allotment of state and federal funds to the resident school system of a student
 63 attending another school pursuant to this paragraph shall be calculated as otherwise
 64 provided in Article 6 of this chapter with an ensuing reduction equivalent to the amount
 65 of state and federal funds appropriated to the receiving school pursuant to this paragraph.

66 In the event that the total allotment of state and federal funds to the receiving school system
 67 is less than the cost to the receiving school system to educate such student, as compared
 68 to its resident students, the receiving school system shall be authorized to charge the
 69 student tuition for the difference in such amounts.

70 (b) The State Board of Education shall establish a model universal, streamlined process
 71 to implement the transfer provisions of this Code section. The process shall provide that
 72 the receiving school system notify the resident school system within ten days of accepting
 73 a transfer student. Each local board of education shall adopt a universal, streamlined
 74 transfer process that includes, at a minimum, such state model. Such local process shall
 75 include a deadline for submitting transfer requests.

76 (c) Each local school system shall annually notify prior to each school year the parents of
 77 each student by letter, electronic means, or by such other reasonable means in a timely
 78 manner of the options available to the parent under this article.

79 (d) This Code section shall not apply to charter schools.

80 (e) This Code section shall not apply to newly opened schools with available classroom
 81 space for a period of four years after the school opens."

82 **SECTION 2.**

83 This Act shall become effective upon its approval by the Governor or upon its becoming law
 84 without such approval.

85 **SECTION 3.**

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