

House Bill 555 (AS PASSED HOUSE AND SENATE)

By: Representatives Casas of the 103<sup>rd</sup>, Jones of the 46<sup>th</sup>, and Coleman of the 97<sup>th</sup>

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 the "Charter Schools Act of 1998," so as to revise certain provisions relating to  
3 a facilities fund for charter schools; to revise certain provisions relating to the use of surplus  
4 property of a local board of education by a local charter school; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the  
9 "Charter Schools Act of 1998," is amended in Code Section 20-2-2068.2, relating to a  
10 facilities fund for charter schools, as follows:

11 "20-2-2068.2.

12 (a) From moneys specifically appropriated for such purpose, the state board shall create  
13 a facilities fund for local charter schools, ~~and~~ state chartered special schools, and  
14 commission charter schools as defined in Code Section 20-2-2081 for the purpose of  
15 establishing a per pupil, need based facilities aid program.

16 (b) A charter school or commission charter school may receive moneys from the facilities  
17 fund if the charter school or commission charter school has received final approval from  
18 the ~~local board~~ Georgia Charter Schools Commission or from the state board for operation  
19 during that fiscal year.

20 (c) A charter school's or commission charter school's governing body may use moneys  
21 from the facilities fund for the following purposes:

22 (1) Purchase of real property;

23 (2) Construction of school facilities, including initial and additional equipment and  
24 furnishings;

25 (3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;

26 (4) Purchase of vehicles to transport students to and from the charter school or  
 27 commission charter school; and

28 (5) Renovation, repair, and maintenance of school facilities that the charter school owns  
 29 or is purchasing through a lease-purchase or long-term lease of five years or longer.

30 (d) The Department of Education shall specify procedures for submitting and approving  
 31 requests for funding under this Code section and for documenting expenditures.

32 (e) Local boards are required to renovate, repair, and maintain the school facilities of  
 33 charter schools in the district to the same extent as other public schools in the district if the  
 34 local board owns the charter school facility, unless otherwise agreed upon by the petitioner  
 35 and the local board in the charter.

36 (f)(1) Prior to releasing moneys from the facilities fund, the Department of Education  
 37 shall ensure that the governing board of the local charter school and the local board shall  
 38 enter into a written agreement that includes a provision for the reversion of any  
 39 unencumbered funds and all equipment and property purchased with public education  
 40 funds to the ownership of the local board in the event the local charter school terminates  
 41 operations.

42 (2) Prior to releasing moneys from the facilities fund, the Department of Education shall  
 43 ensure that the governing board of the state chartered special school and the state board  
 44 shall enter into a written agreement that includes a provision for the reversion of any  
 45 unencumbered funds and all equipment and property purchased with public education  
 46 funds to the ownership of the state board in the event the state chartered special school  
 47 terminates operations.

48 (3) Prior to releasing moneys from the facilities fund, the Department of Education shall  
 49 ensure that the governing board of the commission charter school and the Georgia  
 50 Charter Schools Commission shall enter into a written agreement that includes a  
 51 provision for the reversion of any unencumbered funds and all equipment and property  
 52 purchased with public education funds to the ownership of the Georgia Charter Schools  
 53 Commission in the event the commission charter school terminates operations.

54 (g) The reversion of property in accordance with subsection (f) of this Code section is  
 55 subject to the complete satisfaction of all lawful liens or encumbrances.

56 (h) Each local board of education ~~that has designated any facility or property as surplus,~~  
 57 ~~intended for disposal, or otherwise unused~~ shall make its unused facilities such facility or  
 58 property available for lease or purchase by to a local charter schools school on the same  
 59 ~~basis as it makes such facility or property available to other public schools under the~~  
 60 ~~control and management of the local board of education. The terms of the use of such a~~  
 61 facility by the charter school shall be subject to negotiation between the board and the local  
 62 charter school and shall be memorialized as a separate agreement. A local charter school

63 that is allowed to use such a facility under such an agreement shall not sell or dispose of  
64 any interest in such property without the written permission of the local board. A  
65 ~~conversion~~ local charter school may not be charged a rental or leasing fee for the existing  
66 facility or for property normally used by the public school which became the ~~conversion~~  
67 local charter school. A local charter school that receives property from a local board may  
68 not sell or dispose of such property without the written permission of the local board."

69 **SECTION 2.**

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