

House Bill 661

By: Representatives Heard of the 114th and Williams of the 89th

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 require that professional personnel in charter schools
3 comply with the same certification requirements as professional personnel in the public
4 schools in this state; to provide for related matters; to repeal conflicting laws; and for other
5 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
9 charter schools, is amended by revising subsection (b) of Code Section 20-2-2065, relating
10 to waiver of the provisions of the title, requirements for operating, and control and
11 management of charter schools, as follows:

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

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

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

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

- 25 (4) Organized and operated as a nonprofit corporation under the laws of this state;
26 provided, however, that this paragraph shall not apply to any charter petitioner that is a
27 local school, local school system, or state or local public entity;
- 28 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
29 relating to civil rights; insurance; the protection of the physical health and safety of
30 school students, employees, and visitors; conflicting interest transactions; and the
31 prevention of unlawful conduct;
- 32 (6) Subject to all laws relating to unlawful conduct in or near a public school;
- 33 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in
34 the charter, by an independent certified public accountant licensed in this state;
- 35 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
36 provisions shall apply with respect to charter schools whose charters are granted or
37 renewed on or after July 1, 2000;
- 38 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
39 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
- 40 (10) Subject to the requirement that it shall not charge tuition or fees to its students
41 except as may be authorized for local boards by Code Section 20-2-133;
- 42 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
43 quiet reflection; ~~and~~
- 44 (12) Subject to the provisions of Code Section 20-2-211.1, relating to fingerprint and
45 criminal background checks; ~~and~~
- 46 (13) Subject to the provisions of Subpart 1 of Part 6 of Article 6 of this chapter, relating
47 to certificated professional personnel."

48 **SECTION 2.**

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