

House Bill 797

By: Representatives Jones of the 46<sup>th</sup>, Coleman of the 97<sup>th</sup>, and Lindsey of the 54<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 charter schools, so as to revise funding for state chartered special schools; to  
3 provide for submittal of charter petitions to the Charter Committee of the State Board of  
4 Education; to provide for resubmittal of a charter petition to a local board of education upon  
5 expiration of the charter term of a state chartered special school; to provide for related  
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
10 charter schools, is amended in Code Section 20-2-2064, relating to approval or denial of  
11 charter petitions, by revising subsections (b) and (d) as follows:

12 "(b) A charter petitioner seeking to create a start-up charter school must submit a petition  
13 to the local board of the local school system in which the proposed charter school will be  
14 located and to each local school system from which the charter school plans to enroll  
15 students and simultaneously to the Charter Committee of the State Board of Education.  
16 The local board must by a majority vote approve or deny a petition no later than 60 days  
17 after its submission unless the petitioner requests an extension. A denial of a petition by  
18 a local board shall not preclude the submission to the local board of a revised petition that  
19 addresses deficiencies cited in the denial."

20 "(d) A local board shall approve a petition that complies with the rules, regulations,  
21 policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the  
22 provisions of this title and is in the public interest. If a local board denies a petition, it  
23 must within 60 days specifically state the reasons for the denial, list all deficiencies with  
24 respect to Code Section 20-2-2063, and provide a written statement of the denial to the  
25 charter petitioner and the state board. On and after July 1, 2012, as a condition of receiving  
26 funds under Article 6 of this chapter, a local board shall create an environment in which

27 a variety of public schools can flourish when the community or parents request them. On  
 28 and after July 1, 2012, if one or more local boards deny a petition that is subsequently  
 29 approved by the state board as a state chartered special school pursuant to subsection (c)  
 30 of Code Section 20-2-2064.1, the state chartered special school shall be entitled to and shall  
 31 receive funds pursuant to subparagraph (d)(1)(B) of Code Section 20-2-2068.1, and the  
 32 state board shall be authorized to take action to withhold all or any portion of state funds  
 33 from such local board or boards in accordance with Code Section 20-2-243."

34 **SECTION 2.**

35 Said article is further amended in Code Section 20-2-2067.1, relating to amendment of terms  
 36 of charters for charter schools, initial terms of charters, and annual reports, by revising  
 37 subsection (b) as follows:

38 "(b) The initial term of a charter, except for a charter system, shall be for a minimum of  
 39 five years, unless the petitioner shall request a shorter period of time, and shall not exceed  
 40 ten years. The local board and the state board, in accordance with Code Section  
 41 20-2-2064.1, may renew a local charter, upon the request of the charter school, for the  
 42 period of time specified in the request, not to exceed ten years. The state board may renew  
 43 a state chartered special school, upon the request of the school, for the period of time  
 44 specified in the request, not to exceed ten years; provided, however, that a state chartered  
 45 special school, upon expiration of its charter term, may resubmit a charter petition to the  
 46 local board of the local school system in which the charter school is located and to each  
 47 local school system from which the charter school enrolls students for approval as a local  
 48 charter school. The initial term of a charter for a charter system shall not exceed five years.  
 49 The state board may renew the charter of a charter system, upon the request of the local  
 50 board, for the period of time specified in the request, not to exceed ten years."

51 **SECTION 3.**

52 Said article is further amended in Code Section 20-2-2068.1, relating to funding for charter  
 53 schools, by revising subsection (d) as follows:

54 "(d)(1)(A) For state chartered special schools in existence as of June 30, 2012, for the  
 55 remainder of their charter term, QBE formula earnings, applicable QBE grants, applicable  
 56 non-QBE state grants, and applicable federal grants that are earned by a state chartered  
 57 special school shall be distributed to the local board of the local school system in which the  
 58 state chartered special school is located which shall distribute the same amount to the state  
 59 chartered special school;

60 (B)(i) For state chartered special schools approved on or after July 1, 2012, the  
 61 Department of Education shall pay to each such state chartered special school through  
 62 appropriation of state and federal funds an amount equal to the sum of:

63 (I) QBE formula earnings, applicable QBE grants, applicable non-QBE state grants,  
 64 and applicable federal grants; and

65 (II) An amount determined by the state board for each student enrolled in such school  
 66 equal to a proportional share of local revenue from the local school system in which  
 67 the student attending the state chartered special school resides; provided, however,  
 68 that the state board may reduce the amount calculated pursuant to this division based  
 69 on factors that affect the cost of providing instruction.

70 (ii) The total allotment of state and federal funds to the local school system in which  
 71 a student attending a state chartered special school resides shall be calculated as  
 72 otherwise provided in Article 6 of this chapter with an ensuing reduction equivalent to  
 73 the amount of state and federal funds appropriated to the state chartered special school  
 74 pursuant to division (i) of this subparagraph.

75 This subparagraph shall also apply to a state chartered special school whose charter was  
 76 renewed on and after July 1, 2012, if such school, upon expiration of its original charter  
 77 term, resubmitted a charter petition to the applicable local board or boards for approval  
 78 as a local charter school that was denied by such local board or boards.

79 (2) A provided, however, that a state chartered special school shall not be included in the  
 80 calculation and distribution of the local school system's equalization grant unless the  
 81 voters of the local school system have approved the use of revenue from local tax levies  
 82 and funds from local bonded indebtedness to support the state chartered special school  
 83 in accordance with subsection (e) of this Code section. If such approval has been given,  
 84 state equalization grant earnings shall be earned for the state chartered special school and  
 85 shall be distributed as provided in subsection (f) of this Code section.

86 (3) The local board shall not be responsible for the fiscal management, accounting, or  
 87 oversight of the state chartered special school. The state chartered special school shall  
 88 report enrolled students in a manner consistent with Code Section 20-2-160. Any data  
 89 required to be reported by the state chartered special school shall be submitted directly  
 90 by the school to the appropriate state agency. Where feasible, the state board shall treat  
 91 a state chartered special school no less favorably than other public schools within the  
 92 state with respect to the provision of funds for transportation and building programs."

93 **SECTION 4.**

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