

The House Committee on Education offers the following substitute to HB 283:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 update and revise terminology; to delete obsolete, unused, and unnecessary provisions; to
3 revise funding weights; to revise provisions for earning funding for certain personnel; to
4 revise provisions relating to submission of available positions; to provide for a grant program
5 for technology capital; to revise provisions relating to home study programs; to clarify and
6 revise certain provisions regarding charter schools, charter petitions, and charter funding; to
7 authorize the Office of Student Achievement to establish a nonprofit corporation; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
12 revising Code Section 20-2-60, relating to consolidation of county schools, as follows:

13 "20-2-60.

14 The board of education of any county shall have the right, if, in its opinion, the welfare of
15 the schools of the county and the best interests of the pupils require, to consolidate two or
16 more schools into one school, to be located by the county board at a place convenient to
17 the pupils attending the consolidated school; ~~the schoolhouse to be located as near the~~
18 ~~center of the district or districts as practicable."~~

19 style="text-align:center">**SECTION 2.**

20 Said title is further amended by revising Code Section 20-2-110, relating to offices for
21 county school superintendents, as follows:

22 "20-2-110.

23 ~~The county authorities of each county shall furnish the county school superintendent~~
24 ~~thereof an office in the courthouse, provided there is sufficient room in the courthouse after~~
25 ~~furnishing the county officers with offices as provided by law. Reserved."~~

26

SECTION 3.

27 Said title is further amended by revising paragraph (4) of subsection (b) of Code Section
28 20-2-151, relating to general and career education programs, as follows:

29 "(4)(A) It is the policy of this state that the primary purposes of the high school
30 programs shall be to prepare students for the continuation of their education beyond
31 high school and for entry into their chosen career fields as well as to prepare them to
32 take their places in society as young adults. The following high school programs for
33 grades nine, ten, 11, and 12 are authorized for purposes of funding under this article:

- 34 (i) The high school education program; and
35 (ii) The ~~vocational~~ career, technical, and agricultural education laboratory program.
36 (B) As a reflection of the reduced teacher-student ratios and more extensive material
37 and equipment needed for effective laboratory courses compared to courses with no or
38 only limited laboratory experiences, the vocational laboratory program shall be funded
39 at a higher level than the high school general education program. The state board shall
40 adopt criteria which courses must meet in order to qualify for the vocational laboratory
41 program."

42

SECTION 4.

43 Said title is further amended by revising subsection (h) of Code Section 20-2-154.1, relating
44 to alternative education programs, as follows:

45 "(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education
46 programs shall be based upon a full-time equivalent program count that equals 2.5 percent
47 of the sum of the full-time equivalent program count of ~~the middle grades program~~, the
48 middle school program ~~as defined in Code Section 20-2-290~~, the high school general
49 education program (grades nine through 12), and the vocational laboratory program (grades
50 nine through 12). For the 2002-2003 school year and thereafter, the amount of state funds
51 appropriated and allocated for the alternative education program provided for in this Code
52 section shall be based on the actual count of students served during the preceding year,
53 except that the count of students served shall not exceed 2.5 percent of the sum of the
54 full-time equivalent program count of ~~the middle grades program~~, the middle school
55 program ~~as defined in Code Section 20-2-290~~, the high school general education program
56 (grades nine through 12), and the ~~vocational~~ career, technical, and agricultural education
57 laboratory program (grades nine through 12). Funds earned may be expended in
58 kindergarten and in grades one through 12."

59

SECTION 5.

60 Said title is further amended by revising subsection (a) of Code Section 20-2-160, relating
61 to determination of enrollment by institutional program, as follows:

62 "(a) The State Board of Education shall designate the specific dates upon which two counts
63 of students enrolled in each instructional program authorized under this article shall be
64 made each school year and by which the counts shall be reported to the Department of
65 Education. The initial enrollment count shall be made after October 1 but prior to
66 November 17 and the final enrollment count after March 1 but prior to May 1. The report
67 shall indicate the student's specific assigned program for each one-sixth segment of the
68 school day on the designated reporting date. No program shall be indicated for a student
69 for any one-sixth segment of the school day that the student is assigned to a study hall; a
70 noncredit course; a course recognized under this article or by state board policy as an
71 enrichment course, except a driver education course; a course which requires participation
72 in an extracurricular activity for which enrollment is on a competitive basis; a course in
73 which the student serves as a student assistant to a teacher, in a school office, or in the
74 media center, except when such placement is an approved work site of a recognized ~~career~~
75 ~~or vocational~~ career, technical, and agricultural education laboratory program; an
76 individual study course for which no outline of course objectives is prepared in writing
77 prior to the beginning of the course; or any other course or activity so designated by the
78 state board. For the purpose of this Code section, the term 'enrichment course' means a
79 course which does not dedicate a major portion of the class time toward the development
80 and enhancement of one or more student competencies as adopted by the state board under
81 Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth
82 segment of the school day for which the student is not enrolled in an instructional program
83 or has not attended a class or classes within the preceding ten days; nor shall a program be
84 indicated for a student for any one-sixth segment of the school day for which the student
85 is charged tuition or fees or is required to provide materials or equipment beyond those
86 authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit
87 course pursuant to Code Section 20-2-159.5 shall be counted for the high school program
88 or other appropriate program for each segment in which the student is attending such dual
89 credit course. The state board shall adopt such regulations and criteria as necessary to
90 ensure objective and true counts of students in state approved instructional programs. The
91 state board shall also establish criteria by which students shall be counted as resident or
92 nonresident students, including specific circumstances which may include, but not be
93 limited to, students attending another local school system under court order or under the
94 terms of a contract between two local school systems. If a local school system has a

95 justifiable reason, it may seek authority from the state board to shift full-time equivalent
96 program counts from the designated date to a requested alternate date."

97 **SECTION 6.**

98 Said title is further amended by revising subsection (b) of Code Section 20-2-161, relating
99 to the Quality Basic Education Formula, as follows:

100 "(b) As the cost of instructional programs varies depending upon the teacher-student ratios
101 and specific services typically required to address the special needs of students enrolled,
102 state authorized instructional programs shall have the following program weights and
103 teacher-student ratios:

104	(1) Kindergarten program	1.6587
105		<u>1.6508</u>
106		weight and
107		1 to 15
108		ratio
109	(2) Kindergarten early intervention program	2.0496
110		<u>2.0348</u>
111		weight and
112		1 to 11
113		ratio
114	(3) Primary grades program (1-3)	1.2855
115		<u>1.2849</u>
116		weight and
117		1 to 17
118		ratio
119	(4) Primary grades early intervention program (1-3)	1.8029
120		<u>1.7931</u>
121		weight and
122		1 to 11
123		ratio
124	(5) Upper elementary grades program (4-5)	1.0323
125		<u>1.0355</u>
126		weight and
127		1 to 23
128		ratio

129	(6) Upper elementary grades early intervention program (4-5)	1.7971
130		<u>1.7867</u>
131		weight and
132		1 to 11
133		ratio
134	(7) Middle grades program (6-8)	1.0162
135		weight and
136		1 to 23
137		ratio
138	(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1213
139		<u>1.1310</u>
140		weight and
141		1 to 20
142		ratio
143	(9)(8) High school general education program (9-12)	1.0000
144		weight and
145		1 to 23
146		ratio
147	(10)(9) Vocational <u>Career, technical, and agricultural education</u> laboratory	1.1847
148	program (9-12)	<u>1.1916</u>
149		weight and
150		1 to 20
151		ratio
152	(11)(10) Program for persons with disabilities:	
153	Category I	2.3940
154		<u>2.3798</u>
155		weight and
156		1 to 8
157		ratio
158	(12)(11) Program for persons with disabilities:	
159	Category II	2.8156
160		<u>2.7883</u>
161		weight and
162		1 to 6.5
163		ratio

164	(13) (12) Program for persons with disabilities:	
165	Category III	3.5868
166		<u>3.5493</u>
167		weight and
168		1 to 5
169		ratio
170	(14) (13) Program for persons with disabilities:	
171	Category IV	5.8176
172		<u>5.7509</u>
173		weight and
174		1 to 3
175		ratio
176	(15) (14) Program for persons with disabilities:	
177	Category V	2.4583
178		<u>2.4511</u>
179		weight and
180		1 to 8
181		ratio
182	(16) (15) Program for intellectually gifted students:	
183	Category VI	1.6673
184		<u>1.6589</u>
185		weight and
186		1 to 12
187		ratio
188	(17) (16) Remedial education program	1.3128
189		<u>1.3087</u>
190		weight and
191		1 to 15
192		ratio
193	(18) (17) Alternative education program	1.6025
194		<u>1.4711</u>
195		weight and
196		1 to 15
197		ratio

198	(19) (18) English for speakers of other languages (ESOL) program	2.5306
199		<u>2.5049</u>
200		weight and
201		1 to 7
202		ratio"

203 **SECTION 7.**

204 Said title is further amended by revising Code Section 20-2-165.1, relating to charter system
 205 earnings for each full-time equivalent student, as follows:

206 "20-2-165.1.

207 In addition to the amounts earned by a charter system pursuant to subsection (b) of Code
 208 Section 20-2-161, a charter system shall earn 3.785 percent of the base amount established
 209 pursuant to subsection (a) of Code Section 20-2-161 for each full-time equivalent student
 210 in each school within the charter system through the end of the term of its charter, which
 211 shall not include any renewal term; provided, however, that for any charter system initially
 212 approved on and after January 1, 2012, the charter system shall only be eligible to receive
 213 a one-time implementation grant, as determined by the State Board of Education, subject
 214 to appropriations by the General Assembly."

215 **SECTION 8.**

216 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
 217 20-2-167, relating to funding for direct instructional, media centers, and staff development
 218 costs, as follows:

219 "(b)(1) The State Board of Education shall establish a computerized uniform budget and
 220 accounting system as a component of the state-wide comprehensive educational
 221 information system established pursuant to Code Section 20-2-320 and shall establish
 222 uniform regulations to be implemented by local units of administration. The
 223 computerized uniform budget and accounting system shall conform to generally accepted
 224 governmental accounting principles which shall include, but not be limited to, the
 225 following costing information:

226 (A) Instructional program involved;

227 (B) Whether basic education or enrichment in purpose;

228 (C) Fund source or sources; and

229 (D) Major program components such as instructional personnel, instructional
 230 operations, facility maintenance and operation, media center operation, school
 231 administration, student services, system administration, staff development, or
 232 professional development."

233 **SECTION 9.**

234 Said title is further amended by revising Code Section 20-2-181, relating to calculation of
 235 program weights to reflect base school size, as follows:

236 "20-2-181.

237 The calculation of all program weights shall reflect a base size local school system of 3,300
 238 full-time equivalent students. The calculation of program weights for the kindergarten
 239 program, the kindergarten early intervention program, the primary grades (1-3) early
 240 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)
 241 early intervention program, and the upper elementary grades (4-5) program shall reflect a
 242 base school size of 450 full-time equivalent students. The calculation of program weights
 243 for ~~the middle grades (6-8) program~~, the middle school (6-8) program, the special
 244 education programs, the remedial education program, and the English for speakers of other
 245 languages program shall reflect a base school size of 624 full-time equivalent students. The
 246 calculation of the program weights for the high school general education program and the
 247 high school ~~vocational~~ career, technical, and agricultural education laboratory program
 248 shall reflect a base school size of 970 full-time equivalent students. The calculation of
 249 program weights for the alternative education program shall reflect a base school size of
 250 100 full-time equivalent students, except that the calculations for secretaries and media
 251 personnel shall reflect a base school size of 624 full-time equivalent students."

252 **SECTION 10.**

253 Said title is further amended by revising subsections (b), (c), and (g) and paragraphs (1) and
 254 (2) of subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds
 255 for payment of salaries and benefits, as follows:

256 "(b) The program weights for the primary, primary grades early intervention, upper
 257 elementary, upper elementary grades early intervention, ~~middle grades~~, and middle school
 258 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least
 259 the beginning salaries of specialists qualified to teach art, music, foreign language, and
 260 physical education, subject to appropriation by the General Assembly.

261 (c) The program weights for the kindergarten, kindergarten early intervention, primary,
 262 primary grades early intervention, upper elementary, upper elementary grades early
 263 intervention, ~~middle grades~~, middle school, and alternative education programs and the
 264 program weights for the high school programs authorized pursuant to paragraph (4) of
 265 subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect
 266 sufficient funds to pay the beginning salaries for ~~guidance counselors needed to provide~~
 267 ~~essential guidance services to students and whose~~ at least one school counselor for every
 268 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the

269 program weights for the English for speakers of other languages program and the programs
 270 for persons with disabilities shall also earn school counselor funding. Further, beginning
 271 in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually
 272 gifted students and the remedial education program shall also earn school counselor
 273 funding. The duties and responsibilities for such school counselors shall be established by
 274 the state board to require a minimum of five of the six full-time equivalent program count
 275 segments of the counselor's time to be spent counseling or advising students or parents."

276 "(g) All program weights, when multiplied by the base amount, shall reflect sufficient
 277 funds to pay the cost of sick and personal leave for teachers, the employer's portion of costs
 278 for membership in the Teachers Retirement System of Georgia and health insurance
 279 programs authorized by law, the cost of essential instructional materials, which shall
 280 include, but not be limited to, textbooks and technology, and equipment needed to operate
 281 effectively such instructional programs, and the cost of travel required of personnel in order
 282 to deliver educational services to enrolled students, subject to appropriation by the General
 283 Assembly."

284 "(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and
 285 guardians as to the maximum number of students that may be in their child's classroom
 286 in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the
 287 following regular education programs, the maximum individual class size for
 288 mathematics, science, social studies, and language arts classes shall be:

- 289 (A) Kindergarten program (without full-time aide) 18
- 290 (B) Kindergarten program (with full-time aide) 20
- 291 (C) Primary grades program (1-3) 21
- 292 (D) Upper elementary grades program (4-5) 28
- 293 (E) ~~Middle grades program (6-8) and middle school program (6-8) as~~
 294 ~~defined in Code Section 20-2-290~~ 28

295 For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only,
 296 the system average maximum class size for each instructional program covered under this
 297 paragraph shall be the same as the maximum individual class size for each such program,
 298 and local boards of education shall be considered in compliance with this paragraph so
 299 long as the system average maximum class size is not exceeded; provided, however, that
 300 if the State Board of Education approves a blanket waiver or variance pursuant to
 301 subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be
 302 the system average maximum class sizes for purposes of this paragraph.

303 (2) The State Board of Education shall adopt for each instructional program authorized
 304 pursuant to Part 3 of this article except those programs included in paragraph (1) of this

305 subsection the maximum number of students which may be taught by a teacher in an
 306 instructional period. For the remedial education, ~~vocational~~ career, technical, and
 307 agricultural education laboratory, alternative education, and early intervention programs,
 308 the State Board of Education shall provide for a system average maximum class size that
 309 shall not exceed the funding class size by more than 20 percent, unless specifically
 310 authorized by the State Board of Education; provided, however, that the system average
 311 maximum class size for special education, gifted, and English for speakers of other
 312 languages classes shall be set by the State Board of Education. For each instructional
 313 program covered under this paragraph, the maximum number of students who may be
 314 taught by a teacher in an instructional period shall not exceed the system average
 315 maximum class size for the program by more than two students; provided, however, that
 316 a system average maximum class size which results in a fractional full-time equivalent
 317 shall be rounded up to the nearest whole number; provided, however, that this provision
 318 shall not apply to general education programs in mathematics, science, social studies, and
 319 language arts for grades 9 through 12. Beginning with the 2007-2008 school year, each
 320 local board of education shall be allowed to exceed maximum class sizes set by the state
 321 board pursuant to this paragraph for general education programs in mathematics, science,
 322 social studies, and language arts for grades 9 through 12 and may establish such
 323 maximum class sizes that shall not exceed the funding class size by more than 39 percent
 324 and shall annually report to the state board and to each school council in its school system
 325 such class sizes established."

326 **SECTION 11.**

327 Said title is further amended by revising subsection (a) of Code Section 20-2-184.1, relating
 328 to funding for additional days of instruction, as follows:

329 "20-2-184.1.

330 (a) The program weights for the kindergarten, kindergarten early intervention, primary,
 331 primary grades early intervention, upper elementary, upper elementary grades early
 332 intervention, ~~middle grades~~, middle school, and remedial programs and the program
 333 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 334 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 335 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 336 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 337 funds shall be used for addressing the academic needs of low-performing students with
 338 programs including, but not limited to, instructional opportunities for students beyond the
 339 regular school day, Saturday classes, intersession classes, ~~and~~ summer school classes, and
 340 additional instructional programs during the regular school day. Following the midterm

341 adjustment, the state board shall issue allotment sheets for each local school system. Each
 342 local school system shall spend 100 percent of the funds designated for additional days of
 343 instruction for such costs at the system level, which may include. ~~Up to 15 percent of~~
 344 ~~funds designated for additional days of instruction may be spent for~~ transportation costs
 345 incurred for transporting students who are attending ~~the~~ additional classes funded by these
 346 designated funds."

347 **SECTION 12.**

348 Said title is further amended by revising subsection (b) of Code Section 20-2-186, relating
 349 to allocation of funds for local systems to pay beginning salaries of superintendents,
 350 secretaries, accountants, nurses, and certain other personnel, as follows:

351 "(b) All program weights, when multiplied by the base amount, shall reflect sufficient
 352 funds to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time
 353 equivalent students, ~~and~~ for costs of operating an administrative office for ~~the~~ certain local
 354 school ~~system~~ systems as deemed warranted by the department, and for workers'
 355 compensation and employment security payments for personnel at the central office,
 356 school, and program levels, subject to appropriation by the General Assembly. Further, the
 357 program weights for all special education programs pursuant to Code Section 20-2-152,
 358 when multiplied by the base amount, shall reflect sufficient funds to pay the beginning
 359 salaries of special education leadership personnel essential and necessary for the effective
 360 operation of such programs in a base size local school system. Further, the program
 361 weights for all programs, when multiplied by the base amount, shall reflect sufficient funds
 362 to pay the beginning salaries of school psychologists and psychometrists essential and
 363 necessary for the effective operation of such programs in a local school system using a base
 364 size of 2,475 full-time equivalent students, subject to appropriation by the General
 365 Assembly; provided, however, that beginning with Fiscal Year 2016, such base size shall
 366 be 2,420 full-time equivalent students."

367 **SECTION 13.**

368 Said title is further amended by adding a new Code section to read as follows:

369 "20-2-186.1.
 370 Earnings for school psychologists, special education leadership personnel, and school
 371 social workers shall be considered indirect costs under a student services category for
 372 purposes of calculating the annual allotment of funds to each local school system."

373 **SECTION 14.**

374 Said title is further amended by revising subsection (d) of Code Section 20-2-211, relating
 375 to annual contracts, disqualifying acts, and job descriptions, as follows:

376 "(d) Each local school system shall have a job description for each certificated professional
 377 personnel classification, shall have policies and procedures relative to the recruitment and
 378 selection of such personnel, and shall adhere to such recruitment and selection policies and
 379 procedures. Such policies and procedures shall assure nondiscrimination on the basis of
 380 sex, race, religion, or national origin. Such policies and procedures shall also include the
 381 announcement in writing of the availability of all certificated positions ~~to the appropriate~~
 382 ~~colleges and universities in the state and to the Department of Education and within the~~
 383 ~~local school system and the submission of such available positions to a state-wide online~~
 384 job data base maintained by the state. ~~A local board of education may also announce such~~
 385 ~~positions to colleges and universities in other states."~~

386 **SECTION 15.**

387 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
 388 20-2-211.1, relating to clearance certificates issued by the Professional Standards
 389 Commission relating to fingerprint and criminal background checks, as follows:

390 "(3) 'Local unit of administration' shall have the same meaning as in Code Section
 391 20-2-242 and shall also include state chartered special schools and ~~commission state~~
 392 charter schools."

393 **SECTION 16.**

394 Said title is further amended by revising Code Section 20-2-214.1, relating to the High
 395 Performance Principals program, as follows:

396 "20-2-214.1.

397 (a) The General Assembly finds that the driving force behind attracting quality teachers
 398 to a school and creating a culture of learning and respect in the school environment is the
 399 school leadership, and particularly, the school principal. The General Assembly further
 400 finds that teachers consider school leadership as one of the most important factors in
 401 creating good working conditions in a school environment. The General Assembly further
 402 finds that a school with strong leadership and teachers will be the most effective in
 403 improving and maintaining the academic success of its students.

404 (b) ~~For purposes of this Code section, the term 'Needs Improvement School' means a~~
 405 ~~school that has not made adequate yearly progress for two or more consecutive years in the~~
 406 ~~same subject, in accordance with the accountability system established pursuant to Article~~
 407 ~~2 of Chapter 14 of this title. Reserved.~~

408 (c) The State Board of Education is authorized to establish a grant program to attract
409 proven leaders in school settings to accept positions as principals in secondary schools in
410 this state that have ~~been identified as a Needs Improvement School~~ received unacceptable
411 ratings by the State Board of Education, as defined in state board rules relating to the
412 accountability system. For purposes of this Code section, these individuals shall be known
413 as High Performance Principals. The grant program shall include funding, subject to
414 appropriations by the General Assembly, for grants from the state board to local boards of
415 education for salary supplements for High Performance Principals.

416 (d) The state board is authorized to develop rules and regulations to implement the grant
417 program, including requiring reports, data, or other measures of accountability. The grant
418 program shall provide that the sole criteria for designating and selecting individuals as
419 High Performance Principals shall be data based evidence of the effectiveness of a
420 proposed High Performance Principal in improving a low performing school or in taking
421 an average or excellent performing school to higher achievement within the last five years.
422 Notwithstanding this, the state board shall have the discretion, only in extenuating
423 circumstances, to consider other criteria. The state board shall be authorized to establish
424 and maintain a nonexclusive pool of preapproved eligible candidates for High Performance
425 Principals for consideration by local school systems.

426 (e) An individual selected as a High Performance Principal shall be eligible for a one-year
427 salary supplement, in an amount as determined by the state board and subject to
428 appropriations by the General Assembly. An individual grant shall not exceed \$15,000.00
429 per year and such amount shall be awarded pursuant to state board rule based on the
430 relative recruitment need of that ~~Needs Improvement School~~ school. The local school
431 system may apply for up to two additional school years for renewal of the High
432 Performance Principal designation for an individual, subject to appropriation. An
433 individual selected as a High Performance Principal shall be required to enter into a
434 contract with the local board, in accordance with Code Section 20-2-211, which shall
435 include terms and conditions relating to the designation of High Performance Principal, as
436 required by the state board. An individual shall be required to reimburse the local board
437 for any moneys paid to him or her relating to the High Performance Principal designation
438 if he or she does not comply with the terms of the contract relating to the High Performance
439 Principal designation.

440 (f) The local board shall be required to submit reports, as required by the state board,
441 which quantify the effectiveness of an individual designated as a High Performance
442 Principal and his or her impact on the improvement of the school in the school year in
443 which he or she was designated a High Performance Principal. The state board shall use

444 the data in the reports as the primary factor in evaluating applications for renewal of a High
 445 Performance Principal designation, as provided for in subsection (e) of this Code section.
 446 (g) Salary supplements received by a High Performance Principal pursuant to this Code
 447 section shall not be considered regular or earnable compensation for any purpose.
 448 (h) Nothing in this Code section shall prohibit local boards of education from providing
 449 additional salary supplements and bonuses to any principal designated as a High
 450 Performance Principal."

451 **SECTION 17.**

452 Said title is further amended by revising Code Section 20-2-230, relating to staff
 453 development programs, as follows:

454 "20-2-230.

455 (a) All public school officials and professional personnel certificated by the Professional
 456 Standards Commission shall be provided the opportunity to continue their development
 457 throughout their professional careers. The primary purpose of the staff development
 458 sponsored or offered by local ~~units of administration~~ boards of education and the
 459 Department of Education shall be the implementation of this policy. Two additional
 460 purposes of such staff development programs shall be to adopt into general practice the
 461 findings of scientifically designed research which has been widely replicated, particularly
 462 as it relates to teacher and school effectiveness, and to address professional needs and
 463 deficiencies identified during the process of objective performance evaluations.

464 (b)(1) The State Board of Education shall adopt a training program for members of local
 465 boards of education by July 1, 2011. The State Board of Education may periodically
 466 adopt revisions to such training program as it deems necessary.

467 (2) Within three months of adoption by the State Board of Education of a training
 468 program pursuant to paragraph (1) of this subsection, each local board of education ~~and~~
 469 ~~each governing board of other local units of administration~~ shall adopt a training program
 470 for members of such boards that includes, at a minimum, such training program and
 471 requirements established by the State Board of Education pursuant to paragraph (1) of
 472 this subsection. Each local board of education shall incorporate any revisions adopted
 473 by the State Board of Education to the training program pursuant to paragraph (1) of this
 474 subsection within three months of adoption of such revisions.

475 (3) All local boards of education ~~local units of administration~~ are authorized to pay such
 476 board members for attendance at a required training program the same per diem as
 477 authorized by local or general law for attendance at regular meetings, as well as
 478 reimbursement of actual expenses for travel, lodging, meals, and registration fees for such
 479 training, either before or after such board members assume office."

480 **SECTION 18.**

481 Said title is further amended by revising paragraph (2) of Code Section 20-2-259, relating
 482 to extended day program for students in grades nine through 12, as follows:

483 "(2) Multiply the amount calculated in paragraph (1) of this Code section by the sum of
 484 the full-time equivalent program count for the high school general education program
 485 (9-12) and the ~~vocational~~ career, technical, and agricultural education laboratory
 486 program (9-12)."

487 **SECTION 19.**

488 Said title is further amended by adding a new Code section to read as follows:

489 "20-2-263.

490 (a) The State Board of Education is authorized to establish a grant program to incentivize
 491 the adoption of digital learning using high speed internet connections across Georgia
 492 schools. The grant program shall include funding, subject to appropriations by the General
 493 Assembly, for grants to local boards of education for the purchase of technology capital,
 494 including, but not limited to, desktop computers, network equipment, wireless equipment,
 495 and tablet computers.

496 (b) The state board is authorized to develop rules and regulations to implement the grant
 497 program, including requiring local school systems to commit to expanding and paying for
 498 high speed bandwidth for five years and a plan of use of the bandwidth in each school for
 499 instructional purposes. The grant program criteria may take into account the financial need
 500 and lack of existing bandwidth of a local school system and any previous grants received
 501 by the local board of education pursuant to this Code section."

502 **SECTION 20.**

503 Said title is further amended by revising Code Section 20-2-290, relating to organization of
 504 schools, middle school programs, and schedule, as follows:

505 "20-2-290.

506 ~~(a)(1)~~ (a) The board of education of any local school system is authorized to organize or
 507 reorganize the schools and fix the grade levels to be taught at each school in its
 508 jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof,~~
 509 ~~shall qualify for the middle school program for students; provided, however, that such~~
 510 ~~schools also meet all other provisions of this Code section and criteria and standards~~
 511 ~~prescribed by the State Board of Education. Further, two or more adjacent local school~~
 512 ~~systems shall qualify for the middle school program if through their contractual~~
 513 ~~arrangement they jointly meet the requirements of this Code section and the criteria and~~
 514 ~~standards prescribed by the state board.~~

515 ~~(2)(b)~~ The board of education of any local school system shall be authorized to employ
516 school administrative managers in lieu of or in addition to assistant principals. Such
517 school administrative managers shall not be required to be certificated by the Professional
518 Standards Commission but shall have such qualifications as determined by the local
519 board with a minimum requirement of a bachelor's degree. The duties of school
520 administrative managers shall be to oversee and manage the financial and business affairs
521 of the school. The principal shall retain authority over the curriculum and instructional
522 areas. The school administrative manager shall report directly to the principal. In the
523 event that a local board considers hiring or utilizing school administrative managers
524 pursuant to this subsection, it shall receive and give all due consideration to
525 recommendations by the school council as to whether or not to utilize such position and
526 as to selection of the manager. Existing employees of the local board shall be eligible to
527 serve as school administrative managers if they meet other qualifications and
528 requirements established by the local board for such position. For purposes of earning
529 funds for such positions, school administrative managers shall be treated in all respects
530 the same as assistant principals.

531 ~~(b) Local boards of education shall schedule each middle school so as to provide the~~
532 ~~following:~~

533 ~~(1) A minimum of five hours of instruction in English and language arts, reading,~~
534 ~~mathematics, science, social studies, and such other academic subjects as the State Board~~
535 ~~of Education shall prescribe;~~

536 ~~(2) Beyond the minimum of five hours of academic instruction, the local board shall~~
537 ~~have the authority to schedule for the remainder of the day such academic or exploratory~~
538 ~~classes as the State Board of Education shall prescribe; provided, however, that a student~~
539 ~~shall be allowed to take additional academic classes instead of exploratory classes if the~~
540 ~~parent or guardian of such a student requests such assignment, subject to availability; and~~

541 ~~(3) An interdisciplinary team of academic teachers with common planning time of a~~
542 ~~minimum of 55 minutes.~~

543 ~~(c) Local school systems shall comply with subsection (b) of this Code section in order to~~
544 ~~qualify for the middle school program.~~

545 ~~(d) If a local school system has a combination of qualified and nonqualified schools, it~~
546 ~~shall qualify for the middle school program only for those students counted in the full-time~~
547 ~~equivalent count for the middle school program in qualified middle schools."~~

548

SECTION 21.

549 Said title is further amended by revising paragraph (1) of subsection (b), paragraph (5) of
 550 subsection (d), and subsection (e) of Code Section 20-2-319.3, relating to the online
 551 clearinghouse of interactive distance learning courses, as follows:

552 "(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code
 553 Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code
 554 Section 20-2-2062, and a ~~commission~~ state charter school, as defined in paragraph (2) of
 555 Code Section 20-2-2081."

556 "(5) A student who is enrolled in a school operated by a local school system or in a
 557 charter school and who takes a course included in the clearinghouse shall be counted in
 558 the funding formula of the student's school system or the student's charter school for such
 559 course as if the student were taking the course from the student's school system or the
 560 student's charter school."

561 "(e)(1) The department shall set appropriate fees for one-credit and half-credit courses
 562 offered by a local school system or a charter school to another local school system or
 563 charter school pursuant to this Code section.

564 (2) The department shall proportionally reduce the fee for any student who withdraws
 565 from a course prior to the end of the course pursuant to paragraph (4) of subsection (d)
 566 of this Code section.

567 (3) For each student enrolled in a course included in the clearinghouse, and not later than
 568 the last day of that course, the department shall deduct the amount of the fee for that
 569 course from the student's school system or charter school allotment and shall pay that
 570 amount to the local school system or charter school delivering the course.

571 (4) From the funds received pursuant to paragraph (3) of this subsection, the local school
 572 system or charter school delivering the course shall pay the teacher conducting the course
 573 such additional amount of compensation ~~as set by the department~~ based on the number
 574 of students taking the course and the course fee."

575

SECTION 22.

576 Said title is further amended by revising paragraphs (3) and (4) of Code Section 20-2-326,
 577 relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's
 578 Economy Act," as follows:

579 "(3) 'Chronically low-performing high school' means a public high school in this state that
 580 has a graduation rate of less than 60 percent for three consecutive years, as determined in
 581 accordance with methodology established by the National Governors Association's
 582 Compact on High School Graduation Data, or that has ~~not made adequate yearly progress~~

583 received an unacceptable rating for three consecutive years, as defined by the Office of
584 Student Achievement.

585 (4) 'College and career academy' means a specialized charter school established by a
586 partnership which demonstrates a collaboration between business, industry, and community
587 stakeholders to advance workforce development between one or more local boards of
588 education, a private individual, a private organization, or a state or local public entity in
589 cooperation with one or more postsecondary institutions and approved by the State Board
590 of Education in accordance with Article 31 of this chapter or the ~~Georgia State~~ Charter
591 Schools Commission in accordance with Article 31A of this chapter."

592 **SECTION 23.**

593 Said title is further amended by revising subsection (c) of Code Section 20-2-690, relating
594 to educational entities and requirements for private schools and home study programs, as
595 follows:

596 "(c) Parents or guardians may teach their children at home in a home study program which
597 meets the following requirements:

598 (1) The parent, parents, or guardian must submit within 30 days after the establishment
599 of a home study program and by September 1 annually thereafter a declaration of intent
600 to utilize a home study program to the Department of Education, which ~~may~~ shall provide
601 for written or electronic submittal of such declaration of intent;

602 (2) The declaration shall include a list of the names and ages of the students who are
603 enrolled in the home study program, the address where the home study program is
604 located, and a statement of the 12 month period that is to be considered the school year
605 for that home study program. Enrollment records and reports shall not be used for any
606 purpose except providing necessary enrollment information, except with the permission
607 of the parent or guardian of a child, or pursuant to the subpoena of a court of competent
608 jurisdiction, ~~or for verification of attendance by the Department of Public Safety for the~~
609 ~~purposes set forth in subsection (a.1) of Code Section 40-5-22;~~

610 (3) Parents or guardians may teach only their own children in the home study program,
611 provided the teaching parent or guardian possesses at least a high school diploma or a
612 general educational development diploma, but the parents or guardians may employ a
613 tutor who holds a high school diploma or a general educational development diploma to
614 teach such children;

615 (4) The home study program shall provide a basic academic educational program which
616 includes, but is not limited to, reading, language arts, mathematics, social studies, and
617 science;

618 (5) The home study program must provide instruction each 12 months to home study
 619 students equivalent to 180 school days of education with each school day consisting of
 620 at least four and one-half school hours unless the child is physically unable to comply
 621 with the rule provided for in this paragraph;

622 ~~(6)(A) Attendance records for the home study program shall be kept and shall be~~
 623 ~~submitted annually to the Department of Education and additionally, in accordance with~~
 624 ~~department regulations~~ A written or electronic confirmation of attendance shall be
 625 submitted annually to the department by the parent or guardian of a child attending a
 626 home study program confirming that the child has met the attendance requirements of
 627 Code Section 20-2-690.1 for the previous school year.

628 (B) The parent or guardian shall have the authority to execute any document required
 629 by law, rule, regulation, or policy to evidence the enrollment of a child in a home study
 630 program, the student's full-time or part-time status, the student's grades, or any other
 631 required educational information. This shall include, but not be limited to, documents
 632 for purposes of verification of attendance by the Department of Public Safety Driver
 633 Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22,
 634 documents required pursuant to Chapter 2 of Title 39 relating to employment of minors,
 635 and any documents required to apply for the receipt of state or federal public assistance;
 636 ~~The department may provide for electronic submittal of such records. Attendance~~
 637 ~~records and reports shall not be used for any purpose except providing necessary~~
 638 ~~attendance information, except with the permission of the parent or guardian of a child,~~
 639 ~~pursuant to the subpoena of a court of competent jurisdiction, or for verification of~~
 640 ~~attendance by the Department of Public Safety for the purposes set forth in subsection~~
 641 ~~(a.1) of Code Section 40-5-22;~~

642 (7) Students in home study programs shall be subject to an appropriate nationally
 643 standardized testing program administered in consultation with a person trained in the
 644 administration and interpretation of norm reference tests to evaluate their educational
 645 progress at least every three years beginning at the end of the third grade and records of
 646 such tests and scores shall be retained but shall not be required to be submitted to public
 647 educational authorities; and

648 (8) The home study program instructor shall write an annual progress assessment report
 649 which shall include the instructor's individualized assessment of the student's academic
 650 progress in each of the subject areas specified in paragraph (4) of this subsection, and
 651 such progress reports shall be retained by the parent, parents, or guardian of children in
 652 the home study program for a period of at least three years."

653 **SECTION 24.**

654 Said title is further amended by revising paragraph (2) of Code Section 20-2-2062, relating
 655 to definitions relative to charter schools, as follows:

656 "(2) 'Charter petitioner' means a local school, local board of education, private individual,
 657 private organization, or state or local public entity that submits or initiates a petition for a
 658 charter. The term 'charter petitioner' does not include home study programs or schools,
 659 sectarian schools, religious schools, private for profit schools, private educational
 660 institutions not established, operated, or governed by the State of Georgia, or existing
 661 private schools. On and after July 1, 2013, a charter for a local charter school, if approved,
 662 shall be a three-party agreement between a charter petitioner, a local board of education,
 663 and the State Board of Education, and the charter petitioner for such local charter
 664 school shall be a party other than the local board of education."

665 **SECTION 25.**

666 Said title is further amended by revising Code Section 20-2-2063.1, relating to the
 667 establishment of the Charter Advisory Committee, as follows:

668 "20-2-2063.1.

669 (a) The state board shall establish a Charter Advisory Committee to review charter
 670 petitions for charter systems for compliance with established standards of the state board,
 671 to make recommendations to the state board on charter system policy, and to provide
 672 recommendations to the state board regarding charter petitions for charter systems. The
 673 committee shall be composed of nine members as follows:

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

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

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

677 All members shall serve at the pleasure of their respective appointing officials. The
 678 committee shall elect a chairperson from among its membership.

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

681 (c) The committee shall be authorized to request clarifying information from a charter
 682 petitioner for a charter system and to receive input from interested parties on a charter
 683 petition.

684 (d) The committee shall:

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

687 (2) Periodically make recommendations to the state board regarding charter policy for
 688 charter systems; and

- 689 (3) Make recommendations to the state board on the disbursement of planning grants for
690 charter systems, if funds are made available.
- 691 (e) The committee shall be authorized to enter into contracts, subject to available funding,
692 with one or more consultants to assist the committee in its duties and if directed to do so
693 by the committee, to do the following:
- 694 (1) Assist charter petitioners for charter systems in the drafting of their petitions;
695 (2) Assist charter petitioners for charter systems in the design and implementation of
696 innovative education programs and school level governance based on research, model
697 programs, or other credible information;
- 698 (3) Monitor and assist ~~charter schools and~~ charter systems; and
699 (4) Perform any other functions related to the support of the committee.
- 700 (f) The committee shall work in cooperation with the Office of Charter School
701 Compliance, as established pursuant to Code Section 20-2-2069.
- 702 (g) The members of the committee shall receive no compensation for their services but
703 shall be reimbursed for actual and necessary expenses incurred by them in carrying out
704 their duties.
- 705 (h) The committee shall be assigned to the Department of Education for administrative
706 purposes only, as prescribed in Code Section 50-4-3."

707

SECTION 26.

708 Said title is further amended by revising subsections (a), (b), and (c) of Code Section
709 20-2-2064, relating to approval or denial of a charter petition, as follows:

710 "20-2-2064.

711 (a) A charter petitioner seeking to create a conversion charter school must submit a
712 petition to the local board of the local school system in which the proposed charter school
713 will be located. The local board must by a majority vote approve or deny a petition no later
714 than ~~60~~ 90 days after its submission unless the petitioner requests an extension; provided,
715 however, that a denial of a petition by a local board shall not preclude the submission to
716 the local board of a revised petition that addresses deficiencies cited in the denial; and
717 provided, further, that the local board shall not act upon a petition for a conversion charter
718 school, including, but not limited to, a conversion charter for a high school cluster, until
719 such petition:

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

724 (B) Has been freely agreed to, by secret ballot, by a majority of the parents or
 725 guardians of students enrolled in the petitioning local school present at a public meeting
 726 called with two weeks' advance notice for the purpose of deciding whether to submit
 727 the petition to the local board for its approval; or

728 (2) If for a high school cluster, has been approved by a majority of the school councils
 729 in the high school cluster and has been freely agreed to, by secret ballot, by at least 60
 730 percent of the combined vote of the faculty and instructional staff members of the high
 731 school cluster and the parents or guardians of students who reside in the attendance zone
 732 of such high school cluster present at a public meeting called with two weeks' advance
 733 notice for the purpose of deciding whether to submit the petition to the local board for its
 734 approval. Each school council within the high school cluster shall appoint two
 735 representatives to a committee that shall conduct the vote.

736 This subsection shall not apply to a system charter school petitioning to be a conversion
 737 charter school.

738 (b) A charter petitioner seeking to create a start-up charter school must submit a petition
 739 to the local board of the local school system in which the proposed charter school will be
 740 located. The local board must by a majority vote approve or deny a petition no later than
 741 ~~60~~ 90 days after its submission unless the petitioner requests an extension. A denial of a
 742 petition by a local board shall not preclude the submission to the local board of a revised
 743 petition that addresses deficiencies cited in the denial.

744 (c) A system charter school's school council or governing council, as applicable, may
 745 petition to become a conversion charter school. The petition shall be submitted to the local
 746 board of the charter system in which the school is located. The local board must by a
 747 majority vote approve or deny a petition no later than ~~60~~ 90 days after its submission
 748 unless the petitioner requests an extension; provided, however, that a denial of a petition
 749 by a local board shall not preclude the submission to the local board of a revised petition
 750 that addresses deficiencies cited in the denial."

751 **SECTION 27.**

752 Said title is further amended by revising paragraph (5) and paragraph (7) of subsection (b)
 753 of Code Section 20-2-2065, relating to waiver of provisions of Title 20, as follows:

754 "(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
 755 relating to civil rights; insurance; the protection of the physical health and safety of
 756 school students, employees, and visitors; conflicting interest transactions; and the
 757 prevention of unlawful conduct; provided, however, that if:

758 (A) A facility used for a charter school is owned or operated by the state, and such
 759 facility or equipment purchased or used by the facility meets the safety standards of the
 760 state agency that owns or operates such facility; or

761 (B) A facility used for a charter school is owned by a local educational agency and
 762 operated utilizing state agency standards, and such facility or equipment purchased or
 763 used by the facility meets the safety standards of the state agency with respect to
 764 structural soundness and sufficient maintenance,

765 the facility or equipment or both shall be deemed to meet the safety requirements of this
 766 paragraph; provided, further, that in no event shall the state or local educational agency
 767 owner or operator of a charter school with such facility or equipment be disqualified from
 768 eligibility for state grants or for federal grants awarded pursuant to state regulations due
 769 to such facility or equipment;”

770 “(7) Subject to an annual financial audit conducted by the state auditor or, if specified in
 771 the charter, by an independent certified public accountant licensed in this state; provided,
 772 however, that a separate audit shall not be required for a charter school if the charter
 773 school is included in the local school system audit conducted by the state auditor pursuant
 774 to Code Section 50-6-6;”

775 **SECTION 28.**

776 Said title is further amended by revising subsection (c) of Code Section 20-2-2067.1, relating
 777 to the amendment of terms of charters for charter schools, as follows:

778 “(c) Each start-up and conversion charter school and each charter system shall submit an
 779 annual report outlining the previous year's progress to the authorizing local board or state
 780 board, as appropriate; to parents and guardians of students enrolled in the school, or, for
 781 a charter system, to parents and guardians of students enrolled in school within the local
 782 school system; and to the Department of Education no later than October 1 of each year.
 783 The report submitted by a charter system shall include, but not limited to, data on all of its
 784 system charter schools. The report shall contain, but is not limited to:

- 785 (1) An indication of progress toward the goals as included in the charter;
 786 (2) Academic data for the previous year, including state academic accountability data,
 787 such as standardized test scores ~~and adequate yearly progress data;~~
 788 (3) Unaudited financial statements for the fiscal year ending on June 30, provided that
 789 audited statements will be forwarded to the local board and state board upon completion;
 790 (4) Updated contact information for the school and the administrator, and for charter
 791 systems, each system charter school and its respective administrator;
 792 (5) Proof of current nonprofit status, if applicable;

- 793 (6) Any other supplemental information that the charter school or charter system chooses
 794 to include or that the state board requests that demonstrates that school or system's
 795 success; and
- 796 (7) For charter systems, an on-site external evaluation of the system at least once every
 797 five years, as determined by the state board."

798 **SECTION 29.**

799 Said title is further amended by revising Code Section 20-2-2068.2, relating to a facilities
 800 fund for charter schools, as follows:

801 "20-2-2068.2.

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

806 (b) A charter school or ~~commission~~ state charter school may receive moneys from the
 807 facilities fund if the charter school or ~~commission~~ state charter school has received final
 808 approval from the ~~Georgia State~~ State Charter Schools Commission or from the state board for
 809 operation during that fiscal year.

810 (c) A charter school's or ~~commission~~ state charter school's governing body may use
 811 moneys from the facilities fund for the following purposes:

812 (1) Purchase of real property;

813 (2) Construction of school facilities, including initial and additional equipment and
 814 furnishings;

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

816 (4) Purchase of vehicles to transport students to and from the charter school or
 817 ~~commission~~ state charter school; and

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

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

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

826 (f)(1) Prior to releasing moneys from the facilities fund, the Department of Education
 827 shall ensure that the governing board of the local charter school and the local board shall
 828 enter into a written agreement that includes a provision for the reversion of any

829 unencumbered funds and all equipment and property purchased with public education
830 funds to the ownership of the local board in the event the local charter school terminates
831 operations.

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

838 (3) Prior to releasing moneys from the facilities fund, the Department of Education shall
839 ensure that the governing board of the ~~commission~~ state charter school and the Georgia
840 State Charter Schools Commission shall enter into a written agreement that includes a
841 provision for the reversion of any unencumbered funds and all equipment and property
842 purchased with public education funds to the ownership of the Georgia State Charter
843 Schools Commission in the event the ~~commission~~ state charter school terminates
844 operations.

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

847 (h) Each local board of education shall make its unused facilities available to local charter
848 schools. The terms of the use of such a facility by the charter school shall be subject to
849 negotiation between the board and the local charter school and shall be memorialized as
850 a separate agreement. A local charter school that is allowed to use such a facility under
851 such an agreement shall not sell or dispose of any interest in such property without the
852 written permission of the local board. A local charter school may not be charged a rental
853 or leasing fee for the existing facility or for property normally used by the public school
854 which became the local charter school. A local charter school that receives property from
855 a local board may not sell or dispose of such property without the written permission of the
856 local board."

857 **SECTION 30.**

858 Said title is further amended by adding a new Code section to read as follows:

859 "20-14-26.1.

860 (a) The office shall have the power and authority to incorporate a nonprofit corporation
861 that could qualify as a public foundation under Section 501(c)(3) of the Internal Revenue
862 Code to aid the department in carrying out any of its powers and in accomplishing any of
863 its purposes. Any nonprofit corporation created pursuant to this power shall be created

864 pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and the
865 Secretary of State shall be authorized to accept such filing.

866 (b) Any nonprofit corporation created pursuant to this Code section shall be subject to the
867 following provisions:

868 (1) In accordance with the Constitution of Georgia, no governmental functions or
869 regulatory powers shall be conducted by any such nonprofit corporation;

870 (2) Upon dissolution of any such nonprofit corporation incorporated by the office, any
871 assets shall revert to the office or to any successor to the office or, failing such
872 succession, to the State of Georgia;

873 (3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and
874 travel expenses. To avoid the appearance of undue influence on regulatory functions by
875 donors, no donations to any such nonprofit corporation from private sources shall be used
876 for direct employee costs of the office;

877 (4) Any such nonprofit corporation shall be subject to all laws relating to open meetings
878 and the inspection of public records;

879 (5) The office shall not be liable for the action or omission to act of any such nonprofit
880 corporation;

881 (6) No debts, bonds, notes, or other obligations incurred by any such nonprofit
882 corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall
883 any act of any such nonprofit corporation constitute or result in the creation of an
884 indebtedness of the state. No holder or holders of any such bonds, notes, or other
885 obligations shall ever have the right to compel any exercise of the taxing power of the
886 state nor to enforce the payment thereof against the state; and

887 (7) Any nonprofit corporation created pursuant to this Code section shall not acquire or
888 hold a fee simple interest in real property by any method, including but not limited to gift,
889 purchase, condemnation, devise, court order, and exchange.

890 (c) Any nonprofit corporation created pursuant to this Code section shall make public and
891 provide an annual report showing the identity of all donors and the amount each person or
892 entity donated as well as all expenditures or other disposal of money or property donated.
893 Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the
894 House of Representatives, and the chairpersons of the House Committee on Education and
895 the Senate Education and Youth Committee. Any such nonprofit corporation shall also
896 provide such persons with a copy of all corporate filings with the federal Internal Revenue
897 Service."

898 **SECTION 31.**

899 The following Code sections of the Official Code of Georgia Annotated are amended by
900 replacing "guidance counselor" and "guidance counselors" wherever either such term occurs
901 with "school counselor" and "school counselors", respectively:

- 902 (1) Code Section 20-2-171, relating to minimum direct classroom expenditures;
903 (2) Code Section 20-2-1000, relating to limitation on civil damages for disciplining
904 students; and
905 (3) Code Section 20-2-1001, relating to limited immunity from criminal liability.

906 **SECTION 32.**

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