

The Senate Education and Youth Committee offered 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 provide that a local board of education member who does not comply with a local Act which  
4 requires the local board to make a submission under the Voting Rights Act shall be guilty of  
5 a misdemeanor; to prohibit the expenditure of public funds for defense; to require the  
6 Attorney General to take certain action; to revise provisions relating to consequences under  
7 an accountability contract; to revise funding weights; to revise provisions for earning funding  
8 for certain personnel; to revise provisions relating to submission of available positions; to  
9 provide for a grant program for technology capital; to revise provisions relating to home  
10 study programs; to clarify and revise certain provisions regarding charter schools, charter  
11 petitions, and charter funding; to authorize the Office of Student Achievement to establish  
12 a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for  
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

17 "20-2-60.

18 The board of education of any county shall have the right, if, in its opinion, the welfare of  
19 the schools of the county and the best interests of the pupils require, to consolidate two or  
20 more schools into one school, to be located by the county board at a place convenient to  
21 the pupils attending the consolidated school, ~~the schoolhouse to be located as near the~~  
22 ~~center of the district or districts as practicable."~~  
23

**SECTION 2.**

24 Said title is further amended by adding a new Code section to read as follows:  
25

26 "20-2-75.

27 (a) A member of a local board of education which is required to cause a local Act relating  
 28 to such local board to be submitted for preclearance under the federal Voting Rights Act  
 29 of 1965 to the United States Department of Justice or filed with the appropriate court in a  
 30 designated timeframe who votes against submission, votes to withdraw a submission that  
 31 has already been made, or takes no action toward complying with such submission  
 32 requirement within the designated timeframe shall be guilty of a misdemeanor.

33 (b) A local board of education shall not expend any public funds for attorney's fees or  
 34 expenses of litigation relating to the defense of a criminal action against a local board  
 35 member for a violation of subsection (a) of this Code section.

36 (c) Whenever any local board of education fails to cause a local Act relating to such local  
 37 board to be submitted for preclearance under the federal Voting Rights Act of 1965 to the  
 38 United States Department of Justice or filed with the appropriate court in a designated  
 39 timeframe, withdraws a submission that has already been made, or takes no action toward  
 40 complying with such submission requirement within the designated timeframe, the  
 41 Attorney General shall either cause such submission to be made or shall bring such action  
 42 or actions in his or her discretion as may be appropriate to enforce compliance with such  
 43 submission requirements and to seek either civil or criminal penalties or both."

### 44 SECTION 3.

45 Said title is further amended by revising subsection (c) of Code Section 20-2-84, relating to  
 46 accountability, flexibility, and consequences components of a contract, as follows:

47 "(c) The consequences component of the contract provided in Code Section 20-2-83 shall  
 48 include:

49 (1) Interventions or sanctions for failure to meet identified levels of achievement or for  
 50 not showing specified levels of progress pursuant to Code Section 20-14-41, which may  
 51 be accelerated; and

52 (2) Loss of governance of one or more nonperforming schools by the local school system  
 53 in accordance with Code Section 20-2-84.1.

54 Consequences shall be incurred upon noncompliance of a local school system with the  
 55 accountability component of its contract; provided, however, that if a local school system  
 56 has been in compliance with the accountability component of its contract for at least three  
 57 ~~consecutive~~ years, consequences shall not be invoked upon the fifth year of the contract,  
 58 and such school system may request an extension of its contract and corresponding  
 59 flexibility from the state board. If the local school system or a school within the school  
 60 system meets the performance goals in its contract for such school system or school by the  
 61 end of the fifth year of the contract, the school system or school shall be deemed to have

62 met its contract performance goals. The schedule of interventions or sanctions, including  
 63 loss of governance, for failure to meet identified levels of achievement or specified levels  
 64 of progress shall be mutually agreed upon in the contract. If the Office of Student  
 65 Achievement recommends to the state board that loss of governance not be included in a  
 66 contract with respect to a high performing school, the contract may provide alternate terms  
 67 with respect to that school."

#### 68 SECTION 4.

69 Said title is further amended by revising subsection (b) of Code Section 20-2-84.1, relating  
 70 to loss of governance for nonperforming schools, as follows:

71 "(b) Loss of governance shall be invoked upon the end of the fifth year of the contract if  
 72 the school system is in noncompliance as set out in the terms of the contract."

#### 73 SECTION 5.

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

76 "20-2-110.

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

#### 80 SECTION 6.

81 Said title is further amended by revising paragraph (4) of subsection (b) of Code Section  
 82 20-2-151, relating to general and career education programs, as follows:

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

88 (i) The high school education program; and

89 (ii) The ~~vocational~~ career, technical, and agricultural education laboratory program.

90 (B) As a reflection of the reduced teacher-student ratios and more extensive material  
 91 and equipment needed for effective laboratory courses compared to courses with no or  
 92 only limited laboratory experiences, the ~~vocational~~ career, technical, and agricultural  
 93 education laboratory program shall be funded at a higher level than the high school  
 94 general education program. The state board shall adopt criteria which courses must

95 meet in order to qualify for the ~~vocational~~ career, technical, and agricultural education  
 96 laboratory program."

97 **SECTION 7.**

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

100 "(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education  
 101 programs shall be based upon a full-time equivalent program count that equals 2.5 percent  
 102 of the sum of the full-time equivalent program count of the middle grades program, the  
 103 middle school program as defined in Code Section 20-2-290, the high school general  
 104 education program (grades nine through 12), and the ~~vocational~~ career, technical, and  
 105 agricultural education laboratory program (grades nine through 12). For the 2002-2003  
 106 school year and thereafter, the amount of state funds appropriated and allocated for the  
 107 alternative education program provided for in this Code section shall be based on the actual  
 108 count of students served during the preceding year, except that the count of students served  
 109 shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the  
 110 middle grades program, the middle school program as defined in Code Section 20-2-290,  
 111 the high school general education program (grades nine through 12), and the ~~vocational~~  
 112 career, technical, and agricultural education laboratory program (grades nine through 12).  
 113 Funds earned may be expended in kindergarten and in grades one through 12."

114 **SECTION 8.**

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

117 "(a) The State Board of Education shall designate the specific dates upon which two counts  
 118 of students enrolled in each instructional program authorized under this article shall be  
 119 made each school year and by which the counts shall be reported to the Department of  
 120 Education. The initial enrollment count shall be made after October 1 but prior to  
 121 November 17 and the final enrollment count after March 1 but prior to May 1. The report  
 122 shall indicate the student's specific assigned program for each one-sixth segment of the  
 123 school day on the designated reporting date. No program shall be indicated for a student  
 124 for any one-sixth segment of the school day that the student is assigned to a study hall; a  
 125 noncredit course; a course recognized under this article or by state board policy as an  
 126 enrichment course, except a driver education course; a course which requires participation  
 127 in an extracurricular activity for which enrollment is on a competitive basis; a course in  
 128 which the student serves as a student assistant to a teacher, in a school office, or in the  
 129 media center, except when such placement is an approved work site of a recognized ~~career~~

130 ~~or vocational~~ career, technical, and agricultural education laboratory program; an  
 131 individual study course for which no outline of course objectives is prepared in writing  
 132 prior to the beginning of the course; or any other course or activity so designated by the  
 133 state board. For the purpose of this Code section, the term 'enrichment course' means a  
 134 course which does not dedicate a major portion of the class time toward the development  
 135 and enhancement of one or more student competencies as adopted by the state board under  
 136 Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth  
 137 segment of the school day for which the student is not enrolled in an instructional program  
 138 or has not attended a class or classes within the preceding ten days; nor shall a program be  
 139 indicated for a student for any one-sixth segment of the school day for which the student  
 140 is charged tuition or fees or is required to provide materials or equipment beyond those  
 141 authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit  
 142 course pursuant to Code Section 20-2-159.5 shall be counted for the high school program  
 143 or other appropriate program for each segment in which the student is attending such dual  
 144 credit course. The state board shall adopt such regulations and criteria as necessary to  
 145 ensure objective and true counts of students in state approved instructional programs. The  
 146 state board shall also establish criteria by which students shall be counted as resident or  
 147 nonresident students, including specific circumstances which may include, but not be  
 148 limited to, students attending another local school system under court order or under the  
 149 terms of a contract between two local school systems. If a local school system has a  
 150 justifiable reason, it may seek authority from the state board to shift full-time equivalent  
 151 program counts from the designated date to a requested alternate date."

**SECTION 9.**

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153 Said title is further amended by revising subsection (b) of Code Section 20-2-161, relating  
154 to the Quality Basic Education Formula, and adding a new subsection to read as follows:

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

159	(1) Kindergarten program .....	<del>1.6587</del>
160		<u>1.6508</u>
161		weight and
162		1 to 15
163		ratio

164	(2) Kindergarten early intervention program .....	<del>2.0496</del>
165		<u>2.0348</u>
166		weight and
167		1 to 11
168		ratio
169	(3) Primary grades program (1-3) .....	<del>1.2855</del>
170		<u>1.2849</u>
171		weight and
172		1 to 17
173		ratio
174	(4) Primary grades early intervention program (1-3) .....	<del>1.8029</del>
175		<u>1.7931</u>
176		weight and
177		1 to 11
178		ratio
179	(5) Upper elementary grades program (4-5) .....	<del>1.0323</del>
180		<u>1.0355</u>
181		weight and
182		1 to 23
183		ratio
184	(6) Upper elementary grades early intervention program (4-5) .....	<del>1.7971</del>
185		<u>1.7867</u>
186		weight and
187		1 to 11
188		ratio
189	(7) Middle grades program (6-8) .....	<del>1.0162</del>
190		<u>1.0186</u>
191		weight and
192		1 to 23 ratio
193	(8) Middle school program (6-8) as defined in Code Section 20-2-290 ...	<del>1.1213</del>
194		<u>1.1310</u>
195		weight and
196		1 to 20
197		ratio

198	(9) High school general education program (9-12) .....	1.0000
199		weight and
200		1 to 23
201		ratio
202	(10) <del>Vocational</del> <u>Career, technical, and agricultural education</u> laboratory	<del>1.1847</del>
203	program (9-12) .....	<u>1.1916</u>
204		weight and
205		1 to 20
206		ratio
207	(11) Program for persons with disabilities:	
208	Category I .....	<del>2.3940</del>
209		<u>2.3798</u>
210		weight and
211		1 to 8
212		ratio
213	(12) Program for persons with disabilities:	
214	Category II .....	<del>2.8156</del>
215		<u>2.7883</u>
216		weight and
217		1 to 6.5
218		ratio
219	(13) Program for persons with disabilities:	
220	Category III .....	<del>3.5868</del>
221		<u>3.5493</u>
222		weight and
223		1 to 5
224		ratio
225	(14) Program for persons with disabilities:	
226	Category IV .....	<del>5.8176</del>
227		<u>5.7509</u>
228		weight and
229		1 to 3
230		ratio

231	(15) Program for persons with disabilities:	
232	Category V .....	<del>2.4583</del>
233		<u>2.4511</u>
234		weight and
235		1 to 8
236		ratio
237	(16) Program for intellectually gifted students:	
238	Category VI .....	<del>1.6673</del>
239		<u>1.6589</u>
240		weight and
241		1 to 12
242		ratio
243	(17) Remedial education program .....	<del>1.3128</del>
244		<u>1.3087</u>
245		weight and
246		1 to 15
247		ratio
248	(18) Alternative education program .....	<del>1.6025</del>
249		<u>1.4711</u>
250		weight and
251		1 to 15
252		ratio
253	(19) English for speakers of other languages (ESOL) program .....	<del>2.5306</del>
254		<u>2.5049</u>
255		weight and
256		1 to 7
257		ratio

258 (b.1) Notwithstanding the provisions of subsection (b) of this Code section and the  
 259 requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school  
 260 shall have the funding weight included in paragraph (8) of subsection (b) of this Code  
 261 section for the middle school program, regardless of whether such middle school meets the  
 262 requirements of Code Section 20-2-290."

263 **SECTION 10.**

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

266 "20-2-165.1.

267 In addition to the amounts earned by a charter system pursuant to subsection (b) of Code  
 268 Section 20-2-161, a charter system shall earn 3.785 percent of the base amount established  
 269 pursuant to subsection (a) of Code Section 20-2-161 for each full-time equivalent student  
 270 in each school within the charter system; provided, however, that no individual charter  
 271 system shall receive more than \$4.5 million in a fiscal year."

272 **SECTION 11.**

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

275 "20-2-181.

276 The calculation of all program weights shall reflect a base size local school system of 3,300  
 277 full-time equivalent students. The calculation of program weights for the kindergarten  
 278 program, the kindergarten early intervention program, the primary grades (1-3) early  
 279 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)  
 280 early intervention program, and the upper elementary grades (4-5) program shall reflect a  
 281 base school size of 450 full-time equivalent students. The calculation of program weights  
 282 for the middle grades (6-8) program, the middle school (6-8) program, the special  
 283 education programs, the remedial education program, and the English for speakers of other  
 284 languages program shall reflect a base school size of 624 full-time equivalent students. The  
 285 calculation of the program weights for the high school general education program and the  
 286 high school ~~vocational~~ career, technical, and agricultural education laboratory program  
 287 shall reflect a base school size of 970 full-time equivalent students. The calculation of  
 288 program weights for the alternative education program shall reflect a base school size of  
 289 100 full-time equivalent students, except that the calculations for secretaries and media  
 290 personnel shall reflect a base school size of 624 full-time equivalent students."

291 **SECTION 12.**

292 Said title is further amended by revising subsections (c) and (g) and paragraph (2) of  
 293 subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for  
 294 payment of salaries and benefits, as follows:

295 "(c) The program weights for the kindergarten, kindergarten early intervention, primary,  
 296 primary grades early intervention, upper elementary, upper elementary grades early  
 297 intervention, middle grades, middle school, and alternative education programs and the  
 298 program weights for the high school programs authorized pursuant to paragraph (4) of  
 299 subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect  
 300 sufficient funds to pay the beginning salaries for ~~guidance counselors needed to provide~~

301 ~~essential guidance services to students and whose~~ at least one school counselor for every  
 302 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the  
 303 program weights for the English for speakers of other languages program and the programs  
 304 for persons with disabilities shall also earn school counselor funding. Further, beginning  
 305 in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually  
 306 gifted students and the remedial education program shall also earn school counselor  
 307 funding. The duties and responsibilities for such school counselors shall be established by  
 308 the state board to require a minimum of five of the six full-time equivalent program count  
 309 segments of the counselor's time to be spent counseling or advising students or parents."

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

318 "(2) The State Board of Education shall adopt for each instructional program authorized  
 319 pursuant to Part 3 of this article except those programs included in paragraph (1) of this  
 320 subsection the maximum number of students which may be taught by a teacher in an  
 321 instructional period. For the remedial education, ~~vocational~~ career, technical, and  
 322 agricultural education laboratory, alternative education, and early intervention programs,  
 323 the State Board of Education shall provide for a system average maximum class size that  
 324 shall not exceed the funding class size by more than 20 percent, unless specifically  
 325 authorized by the State Board of Education; provided, however, that the system average  
 326 maximum class size for special education, gifted, and English for speakers of other  
 327 languages classes shall be set by the State Board of Education. For each instructional  
 328 program covered under this paragraph, the maximum number of students who may be  
 329 taught by a teacher in an instructional period shall not exceed the system average  
 330 maximum class size for the program by more than two students; provided, however, that  
 331 a system average maximum class size which results in a fractional full-time equivalent  
 332 shall be rounded up to the nearest whole number; provided, however, that this provision  
 333 shall not apply to general education programs in mathematics, science, social studies, and  
 334 language arts for grades 9 through 12. Beginning with the 2007-2008 school year, each  
 335 local board of education shall be allowed to exceed maximum class sizes set by the state  
 336 board pursuant to this paragraph for general education programs in mathematics, science,  
 337 social studies, and language arts for grades 9 through 12 and may establish such

338 maximum class sizes that shall not exceed the funding class size by more than 39 percent  
 339 and shall annually report to the state board and to each school council in its school system  
 340 such class sizes established."

341 **SECTION 13.**

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

344 "20-2-184.1.

345 (a) The program weights for the kindergarten, kindergarten early intervention, primary,  
 346 primary grades early intervention, upper elementary, upper elementary grades early  
 347 intervention, middle grades, middle school, and remedial programs and the program  
 348 weights for the high school programs authorized pursuant to paragraph (4) of subsection  
 349 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
 350 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
 351 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
 352 funds shall be used for addressing the academic needs of low-performing students with  
 353 programs including, but not limited to, instructional opportunities for students beyond the  
 354 regular school day, Saturday classes, intersession classes, ~~and~~ summer school classes, and  
 355 additional instructional programs during the regular school day. Following the midterm  
 356 adjustment, the state board shall issue allotment sheets for each local school system. Each  
 357 local school system shall spend 100 percent of the funds designated for additional days of  
 358 instruction for such costs at the system level, which may include . ~~Up to 15 percent of~~  
 359 ~~funds designated for additional days of instruction may be spent for~~ transportation costs  
 360 incurred for transporting students who are attending ~~the~~ additional classes funded by these  
 361 designated funds."

362 **SECTION 14.**

363 Said title is further amended by revising paragraph (4) of subsection (a) and subsection (b)  
 364 of Code Section 20-2-186, relating to allocation of funds for local systems to pay beginning  
 365 salaries of superintendents, secretaries, accountants, nurses, and certain other personnel, as  
 366 follows:

367 "(4) Each local system shall earn funds for the 2000-2001 school year sufficient to pay  
 368 the beginning salary of a principal for each school in the local school system with a  
 369 principal of record for the preceding year. Thereafter, each local school system shall earn  
 370 funds sufficient to pay the beginning salary of a principal for each school in the local  
 371 school system that reported a principal on the October certified personnel information  
 372 report; provided, however, that any school which operates as a combination school,

373 which is defined as any of the elementary grades, kindergarten through grade five,  
374 contiguous with one or more of the middle grades, grades six through eight; or as a  
375 combination school of any of the middle grades, grades six through eight, contiguous  
376 with one or more of the elementary grades or contiguous with one or more of the high  
377 school grades, grades nine through 12; or as a combination school of any of the high  
378 school grades, contiguous with one or more of the middle grades, shall earn funds  
379 sufficient to pay the beginning salary of a principal for each of the elementary, middle,  
380 or high school combinations. For purposes of this paragraph, 'contiguous' means grade  
381 levels in sequence, regardless of whether schools operating as a combination school are  
382 on the same campus sharing facilities or at different locations. Beginning with the  
383 2001-2002 school year, funds cannot be earned for more than one principal's salary for  
384 schools on the same campus sharing facilities unless the schools operate as a combination  
385 school as defined in this paragraph with separate facility codes issued by the Department  
386 of Education. A local school system shall earn funds in the midterm adjustment  
387 sufficient to pay the beginning salary of a principal for a new school, if not otherwise  
388 earning the funds, when the school has reported full-time equivalent program counts in  
389 the October count, has an approved new school facility code issued by the department,  
390 and has reported a principal on the October certified personnel information report under  
391 the new facility code. It is further provided that funds for the salary of a principal shall  
392 not be earned under this paragraph for an evening school or alternative school; and"

393 "(b) All program weights, when multiplied by the base amount, shall reflect sufficient  
394 funds to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time  
395 equivalent students, ~~and~~ for costs of operating an administrative office for ~~the~~ certain local  
396 school ~~system~~ systems as deemed warranted by the department, and for workers'  
397 compensation and employment security payments for personnel at the central office,  
398 school, and program levels, subject to appropriation by the General Assembly. Further, the  
399 program weights for all special education programs pursuant to Code Section 20-2-152,  
400 when multiplied by the base amount, shall reflect sufficient funds to pay the beginning  
401 salaries of special education leadership personnel essential and necessary for the effective  
402 operation of such programs in a base size local school system. Further, the program  
403 weights for all programs, when multiplied by the base amount, shall reflect sufficient funds  
404 to pay the beginning salaries of school psychologists and psychometrists essential and  
405 necessary for the effective operation of such programs in a local school system using a base  
406 size of 2,475 full-time equivalent students, subject to appropriation by the General  
407 Assembly; provided, however, that beginning with Fiscal Year 2016, such base size shall  
408 be 2,420 full-time equivalent students."

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**SECTION 15.**

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

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

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**SECTION 16.**

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

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

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**SECTION 17.**

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

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"20-2-214.1.

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

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

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

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

462 (e) An individual selected as a High Performance Principal shall be eligible for a one-year  
463 salary supplement, in an amount as determined by the state board and subject to  
464 appropriations by the General Assembly. An individual grant shall not exceed \$15,000.00  
465 per year and such amount shall be awarded pursuant to state board rule based on the  
466 relative recruitment need of that ~~Needs Improvement School~~ school. The local school  
467 system may apply for up to two additional school years for renewal of the High  
468 Performance Principal designation for an individual, subject to appropriation. An  
469 individual selected as a High Performance Principal shall be required to enter into a  
470 contract with the local board, in accordance with Code Section 20-2-211, which shall  
471 include terms and conditions relating to the designation of High Performance Principal, as  
472 required by the state board. An individual shall be required to reimburse the local board  
473 for any moneys paid to him or her relating to the High Performance Principal designation  
474 if he or she does not comply with the terms of the contract relating to the High Performance  
475 Principal designation.

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

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

487 **SECTION 18.**

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

490 "20-2-230.

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

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

503 (2) Within three months of adoption by the State Board of Education of a training  
 504 program pursuant to paragraph (1) of this subsection, each local board of education ~~and~~  
 505 ~~each governing board of other local units of administration~~ shall adopt a training program  
 506 for members of such boards that includes, at a minimum, such training program and  
 507 requirements established by the State Board of Education pursuant to paragraph (1) of  
 508 this subsection. Each local board of education shall incorporate any revisions adopted  
 509 by the State Board of Education to the training program pursuant to paragraph (1) of this  
 510 subsection within three months of adoption of such revisions.

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

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**SECTION 19.**

517

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

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

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**SECTION 20.**

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

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"20-2-263.

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

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(b) The state board is authorized to develop rules and regulations to implement the grant program, including requiring local school systems to commit to expanding and paying for high speed bandwidth for five years and a plan of use of the bandwidth in each school for instructional purposes, requiring each local school system to demonstrate that it has a technology plan that incorporates the use of new technology into student learning and includes a component for professional development for staff, and requiring local matching funds from local school systems to demonstrate long-term sustainability. The grant program criteria may take into account the financial need and lack of existing bandwidth of a local school system and any previous grants received by the local board of education pursuant to this Code section and may provide for waiver of the matching funds requirement for local school systems that demonstrate financial need."

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**SECTION 21.**

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

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"(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code

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550 Section 20-2-2062, and a ~~commission~~ state charter school, as defined in paragraph (2) of  
 551 Code Section 20-2-2081."

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

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

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

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

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

571 **SECTION 22.**

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

575 "(3) 'Chronically low-performing high school' means a public high school in this state that  
 576 has a graduation rate of less than 60 percent for three consecutive years, as determined in  
 577 accordance with methodology established by the National Governors Association's  
 578 Compact on High School Graduation Data, or that has ~~not made adequate yearly progress~~  
 579 received an unacceptable rating for three consecutive years, as defined by the Office of  
 580 Student Achievement.

581 (4) 'College and career academy' means a specialized charter school established by a  
 582 partnership which demonstrates a collaboration between business, industry, and community  
 583 stakeholders to advance workforce development between one or more local boards of  
 584 education, a private individual, a private organization, or a state or local public entity in  
 585 cooperation with one or more postsecondary institutions and approved by the State Board

586 of Education in accordance with Article 31 of this chapter or the ~~Georgia State~~ Charter  
 587 Schools Commission in accordance with Article 31A of this chapter."

588 **SECTION 23.**

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

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

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

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

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

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

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

618 (6) ~~Attendance records for the home study program shall be kept and shall be submitted~~  
 619 ~~annually to the Department of Education and additionally, in accordance with department~~  
 620 ~~regulations~~ The parent or guardian shall have the authority to execute any document  
 621 required by law, rule, regulation, or policy to evidence the enrollment of a child in a

622 home study program, the student's full-time or part-time status, the student's grades, or  
 623 any other required educational information. This shall include, but not be limited to,  
 624 documents for purposes of verification of attendance by the Department of Public Safety  
 625 Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22,  
 626 documents required pursuant to Chapter 2 of Title 39 relating to employment of minors,  
 627 and any documents required to apply for the receipt of state or federal public assistance:  
 628 ~~The department may provide for electronic submittal of such records. Attendance records~~  
 629 ~~and reports shall not be used for any purpose except providing necessary attendance~~  
 630 ~~information, except with the permission of the parent or guardian of a child, pursuant to~~  
 631 ~~the subpoena of a court of competent jurisdiction, or for verification of attendance by the~~  
 632 ~~Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section~~  
 633 ~~40-5-22;~~

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

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

645 **SECTION 24.**

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

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

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**SECTION 25.**

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

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"(f) The committee shall work in cooperation with the Office of Charter School Compliance, as established pursuant to Code Section 20-2-2069. Each year the committee shall review the information submitted by charter systems in the annual report required by Code Section 20-2-2067.1 and may request that the Office of Charter School Compliance investigate a charter system that may not be adhering to the performance goals and school level governance required by the charter. The investigation by the Office of Charter School Compliance shall result in a report of findings to the committee."

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**SECTION 26.**

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

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"20-2-2064.

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

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

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

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(2) If for a high school cluster, has been approved by a majority of the school councils in the high school cluster and has been freely agreed to, by secret ballot, by at least 60 percent of the combined vote of the faculty and instructional staff members of the high school cluster and the parents or guardians of students who reside in the attendance zone of such high school cluster present at a public meeting called with two weeks' advance

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693 notice for the purpose of deciding whether to submit the petition to the local board for its  
 694 approval. Each school council within the high school cluster shall appoint two  
 695 representatives to a committee that shall conduct the vote.

696 This subsection shall not apply to a system charter school petitioning to be a conversion  
 697 charter school.

698 (b) A charter petitioner seeking to create a start-up charter school must submit a petition  
 699 to the local board of the local school system in which the proposed charter school will be  
 700 located. The local board must by a majority vote approve or deny a petition no later than  
 701 ~~60~~ 90 days after its submission unless the petitioner requests an extension. A denial of a  
 702 petition by a local board shall not preclude the submission to the local board of a revised  
 703 petition that addresses deficiencies cited in the denial.

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

711 **SECTION 27.**

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

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

718 (A) A facility used for a charter school is owned or operated by any state agency or  
 719 entity, and such facility or equipment purchased or used by the facility meets the safety  
 720 standards of the state agency or entity that owns or operates such facility; or

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

725 the facility or equipment or both shall be deemed to meet the safety requirements of this  
 726 paragraph; provided, further, that in no event shall the state agency or entity or local  
 727 educational agency owner or operator of a charter school with such facility or equipment

728 be disqualified from eligibility for state grants or for federal grants awarded pursuant to  
 729 state regulations due to such facility or equipment;"  
 730 "(7) Subject to an annual financial audit conducted by the state auditor or, if specified in  
 731 the charter, by an independent certified public accountant licensed in this state; provided,  
 732 however, that a separate audit shall not be required for a charter school if the charter  
 733 school is included in the local school system audit conducted by the state auditor pursuant  
 734 to Code Section 50-6-6;"

735 **SECTION 28.**

736 Said title is further amended by revising subsection (a) of Code Section 20-2-2066, relating  
 737 to admission, enrollment, and withdrawal of students, as follows:

738 "(a) A local charter school shall enroll students in the following manner:

739 (1)(A) A start-up charter school shall enroll any student who resides in the charter  
 740 attendance zone as specified in the charter and who submits a timely application as  
 741 specified in the charter unless the number of applications exceeds the capacity of a  
 742 program, class, grade level, or building. In such case, all such applicants shall have an  
 743 equal chance of being admitted through a random selection process unless otherwise  
 744 prohibited by law; provided, however, that a start-up charter school may give  
 745 enrollment preference to applicants in any one or more of the following categories in  
 746 the order of priority specified in the charter:

747 (i) A sibling of a student enrolled in the start-up charter school;

748 (ii) A sibling of a student enrolled in another local school designated in the charter;

749 (iii) A student whose parent or guardian is a member of the governing board of the  
 750 charter school or is a full-time teacher, professional, or other employee at the charter  
 751 school; ~~and~~

752 (iv) Students matriculating from a local school designated in the charter; and

753 (v) Children who matriculate from a pre-kindergarten program which is associated  
 754 with the school, including, but not limited to, programs which share common facilities  
 755 or campuses with the school or programs which have established a partnership or  
 756 cooperative efforts with the school; provided, however, that the state board is  
 757 authorized to limit the number of such pre-kindergarten programs or the percentage  
 758 of children matriculating from such programs in its discretion;

759 (B) A conversion charter school shall enroll any student who resides in the attendance  
 760 zone specified in the charter and who submits a timely application as specified in the  
 761 charter. If the number of applying students who reside in the attendance zone does not  
 762 exceed the capacity as specified in the charter, additional students shall be enrolled  
 763 based on a random selection process; provided, however, that enrollment preferences

764 may be given to applicants in any one or more of the following categories in the order  
765 of priority specified in the charter:

766 (i) A sibling of a student enrolled in the charter school or in any school in the high  
767 school cluster;

768 (ii) Students whose parent or guardian is a member of the governing board of the  
769 charter school or is a full-time teacher, professional, or other employee at the charter  
770 school;

771 (iii) Students who were enrolled in the local school prior to its becoming a charter  
772 school; ~~and~~

773 (iv) Students who reside in the charter attendance zone specified in the charter; and

774 (v) Children who matriculate from a pre-kindergarten program which is associated  
775 with the school, including, but not limited to, programs which share common facilities  
776 or campuses with the school or programs which have established a partnership or  
777 cooperative efforts with the school; provided, however, that the state board is  
778 authorized to limit the number of such pre-kindergarten programs or the percentage  
779 of children matriculating from such programs in its discretion; and

780 (2) A student who resides outside the school system in which the local charter school is  
781 located may not enroll in that local charter school except pursuant to a contractual  
782 agreement between the local boards of the school system in which the student resides and  
783 the school system in which the local charter school is located. Unless otherwise provided  
784 in such contractual agreement, a local charter school may give enrollment preference to  
785 a sibling of a nonresident student currently enrolled in the local charter school."

786 **SECTION 29.**

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

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

796 (1) An indication of progress toward the goals as included in the charter;

797 (2) Academic data for the previous year, including state academic accountability data,  
798 such as standardized test scores ~~and adequate yearly progress data;~~

- 799 (3) Unaudited financial statements for the fiscal year ending on June 30, provided that  
 800 audited statements will be forwarded to the local board and state board upon completion;  
 801 (4) Updated contact information for the school and the administrator, and for charter  
 802 systems, each system charter school and its respective administrator;  
 803 (5) Proof of current nonprofit status, if applicable;  
 804 (6) Any other supplemental information that the charter school or charter system chooses  
 805 to include or that the state board requests that demonstrates that school or system's  
 806 success; and  
 807 (7) For charter systems;:
- 808 (A) A description of:
- 809 (i) The actual authority exercised by governing councils with regard to each of the  
 810 components of school level governance listed in paragraph (12.1) of Code Section  
 811 20-2-2062;
- 812 (ii) Training received by governing councils and school administrators; and
- 813 (iii) Steps, if any, the charter system plans to take to increase school level governance  
 814 in the future;
- 815 (B) An itemization of initiatives being supported with the additional funding received  
 816 by the charter system pursuant to Code Section 20-2-165.1;
- 817 (C) A comparison of actual performance versus the performance based goals for the  
 818 charter system set forth in the charter pursuant to Code Section 20-2-2065;
- 819 (D) The name and contact information of an employee of the charter system that can  
 820 facilitate communications between the Office of Charter School Compliance and the  
 821 chairpersons of the governing councils in the charter system; and
- 822 (E) An on-site external evaluation of the charter system at least once every five  
 823 years, as determined by the state board."

824 **SECTION 30.**

825 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section  
 826 20-2-2068, relating to termination of charters, as follows:

- 827 "(2) If, after providing reasonable notice to the charter school or charter system, as  
 828 applicable, and an opportunity for a hearing, the state board finds:
- 829 (A) A failure to comply with any recommendation or direction of the state board with  
 830 respect to Code Section 20-14-41;
- 831 (B) A failure to adhere to any material term of the charter, including but not limited to  
 832 the performance goals set forth in the charter;
- 833 (C) For a charter system, a failure to promote school level governance as required by  
 834 the charter;

- 835 ~~(C)~~(D) A failure to meet generally accepted standards of fiscal management;
- 836 ~~(D)~~(E) A violation of applicable federal, state, or local laws or court orders;
- 837 ~~(E)~~(F) The existence of competent substantial evidence that the continued operation
- 838 of the charter school or charter system would be contrary to the best interests of the
- 839 students or the community; or
- 840 ~~(F)~~(G) A failure to comply with any provision of Code Section 20-2-2065; or"

841 **SECTION 31.**

842 Said title is further amended by revising Code Section 20-2-2068.2, relating to a facilities

843 fund for charter schools, as follows:

844 "20-2-2068.2.

845 (a) From moneys specifically appropriated for such purpose, the state board shall create

846 a facilities fund for local charter schools, state chartered special schools, and ~~commission~~

847 state charter schools as defined in Code Section 20-2-2081 for the purpose of establishing

848 a per pupil, need based facilities aid program.

849 (b) A charter school or ~~commission~~ state charter school may receive moneys from the

850 facilities fund if the charter school or ~~commission~~ state charter school has received final

851 approval from the ~~Georgia~~ State Charter Schools Commission or from the state board for

852 operation during that fiscal year.

853 (c) A charter school's or ~~commission~~ state charter school's governing body may use

854 moneys from the facilities fund for the following purposes:

855 (1) Purchase of real property;

856 (2) Construction of school facilities, including initial and additional equipment and

857 furnishings;

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

859 (4) Purchase of vehicles to transport students to and from the charter school or

860 ~~commission~~ state charter school; and

861 (5) Renovation, repair, and maintenance of school facilities that the school owns or is

862 purchasing through a lease-purchase or long-term lease of ~~five~~ three years or longer.

863 (d) The Department of Education shall specify procedures for submitting and approving

864 requests for funding under this Code section and for documenting expenditures.

865 (e) Local boards are required to renovate, repair, and maintain the school facilities of

866 charter schools in the district to the same extent as other public schools in the district if the

867 local board owns the charter school facility, unless otherwise agreed upon by the petitioner

868 and the local board in the charter.

869 (f)(1) Prior to releasing moneys from the facilities fund, the Department of Education

870 shall ensure that the governing board of the local charter school and the local board shall

871 enter into a written agreement that includes a provision for the reversion of any  
 872 unencumbered funds and all equipment and property purchased with public education  
 873 funds to the ownership of the local board in the event the local charter school terminates  
 874 operations.

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

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

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

890 (h) Each local board of education shall make its unused facilities available to local charter  
 891 schools. The terms of the use of such a facility by the charter school shall be subject to  
 892 negotiation between the board and the local charter school and shall be memorialized as  
 893 a separate agreement. A local charter school that is allowed to use such a facility under  
 894 such an agreement shall not sell or dispose of any interest in such property without the  
 895 written permission of the local board. A local charter school may not be charged a rental  
 896 or leasing fee for the existing facility or for property normally used by the public school  
 897 which became the local charter school. A local charter school that receives property from  
 898 a local board may not sell or dispose of such property without the written permission of the  
 899 local board."

900 **SECTION 32.**

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

902 "20-14-26.1.

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

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

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

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

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

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

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

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

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

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

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

941

**SECTION 33.**

942

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

943

944

945

(1) Code Section 20-2-171, relating to minimum direct classroom expenditures;

946

(2) Code Section 20-2-1000, relating to limitation on civil damages for disciplining students; and

947

948

(3) Code Section 20-2-1001, relating to limited immunity from criminal liability.

949

**SECTION 34.**

950

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