

House Bill 897

By: Representatives Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st, Kaiser of the 59th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to update and clarify provisions in law and to
3 repeal obsolete provisions; to repeal a population act provision; to revise provisions relating
4 to state required standards; to remove the middle grades program; to repeal the Georgia
5 Master Teacher Program; to repeal provisions relating to professional and staff development
6 stipends; to revise provisions relating to contracts by the State School Superintendent; to
7 revise a process for student requests for waivers and variances of state requirements; to
8 provide that capital outlay includes computer equipment and software; to revise provisions
9 relating to state required assessments; to revise provisions relating to the honors program;
10 to revise provisions relating to courses taken through the Georgia Virtual School; to revise
11 provisions relating to virtual instruction opportunities provided by local school systems; to
12 repeal an obsolete provision relating to acquiring digital learning; to revise a provision
13 relating to home study reporting; to revise provisions relating to appeals to the State Board
14 of Education; to provide for charter authorizer accountability; to provide for an expedited
15 charter petition review process for high-performing charter schools; to provide for timelines
16 for approving or denying charter petitions; to revise funding provisions for local charter
17 schools; to revise provisions relating to funding for a charter school in its first year of
18 operation; to provide for use by charter schools of unused or underutilized school facilities;
19 to provide for enrollment preferences for state charter schools; to revise provisions relating
20 to funding for state charter schools; to authorize the State Charter Schools Commission to
21 establish nonprofit foundations; to provide for related matters; to repeal conflicting laws; and
22 for other purposes.

23 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

24 **SECTION 1.**

25 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
26 secondary education, is amended by repealing subsection (d) of Code Section 20-2-51,

27 relating to election of local board of education members, persons ineligible to be members
 28 or superintendent, ineligibility for local boards of education, and ineligibility for other
 29 elective offices, and designating said subsection as reserved.

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SECTION 2.

31 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-131, relating
 32 to objectives and purposes of the Quality Basic Education Program, as follows:

33 "(1) Implementing a ~~quality basic education~~ curriculum to encompass state mandated
 34 content standards in public schools state wide which ensures that each student is provided
 35 ample opportunity to develop competencies necessary for lifelong learning as well as the
 36 competencies needed to maintain good physical and mental health, to participate actively
 37 in the governing process and community activities, to protect the environment and
 38 conserve public and private resources, and to be an effective worker and responsible
 39 citizen of high character;"

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SECTION 3.

41 Said chapter is further amended by revising Code Section 20-2-140, relating to the State
 42 Board of Education establishing competencies and a uniformly sequenced core curriculum
 43 and college and career readiness competency standards, as follows:

44 "20-2-140.

45 (a) The State Board of Education shall establish ~~competencies~~ uniformly sequenced state
 46 mandated content standards that each student is expected to master prior to completion of
 47 the student's public school education. ~~The state board shall also establish competencies for~~
 48 ~~which each student should be provided opportunities, at the discretion of the student and~~
 49 ~~the student's parents, to master. Based upon these foregoing competencies, the~~ The state
 50 board shall adopt a uniformly sequenced core curriculum state mandated content standards
 51 for grades students in kindergarten through grade 12. Each local unit of administration
 52 shall include ~~this~~ the uniformly sequenced ~~core curriculum~~ state mandated content
 53 standards as the basis for its own curriculum, although each local unit may ~~sequence,~~
 54 ~~expand; and enrich this curriculum~~ the state mandated content standards to the extent it
 55 deems necessary and appropriate for its students and communities.

56 (b) The State Board of Education, working with the Board of Regents of the University
 57 System of Georgia and the State Board of the Technical College System of Georgia, shall
 58 establish college and career readiness ~~competency~~ standards in reading, writing, ~~and~~
 59 mathematics, science, and social studies aligned with the ~~core curriculum~~ state mandated
 60 content standards adopted by the state board pursuant to subsection (a) of this Code section
 61 with the level of performance necessary to meet college-readiness standards in the state's

62 technical colleges, community colleges, state colleges, and universities and in other
63 advanced training programs.

64 (c) The State Board of the Technical College System of Georgia shall require its
65 institutions to accept core curriculum coursework completed by high school students for
66 purposes of admission into its institutions. This Code section shall apply beginning with
67 students entering such postsecondary institutions in the fall of 2013."

68 **SECTION 4.**

69 Said chapter is further amended by revising Code Section 20-2-140.1, relating to online
70 learning, as follows:

71 "20-2-140.1.

72 The State Board of Education shall establish rules and regulations to maximize the number
73 of students, beginning with students entering ninth grade in the 2014-2015 school year,
74 who complete prior to graduation at least one course containing online learning. This shall
75 be met through an online course offered by the Georgia Virtual School established pursuant
76 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code
77 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary
78 institution, or through a provider approved pursuant to ~~subsection (c)~~ of Code Section
79 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction
80 program pursuant to Code Section 20-2-319.4."

81 **SECTION 5.**

82 Said chapter is further amended by revising Code Section 20-2-141, relating to review of
83 competencies and core curriculum, as follows:

84 "20-2-141.

85 The State Board of Education shall establish at least once every four years a review of the
86 adopted ~~competencies and~~ uniformly sequenced ~~core curriculum~~ state mandated content
87 standards by a task force broadly representative of educational interests and the concerned
88 public. After considering the findings and recommendations of the task force, the state
89 board shall make such changes in the ~~student competencies lists and core curriculum~~ state
90 mandated content standards as it deems in the best interest of the state and its citizens and
91 shall report such proposed changes to local school systems and the General Assembly for
92 review."

93 **SECTION 6.**

94 Said chapter is further amended by revising subsection (a) of Code Section 20-2-142, relating
95 to prescribed courses, as follows:

131 state mandated content standards adopted by the State Board of Education ~~through~~
 132 ~~instruction which is based upon the uniformly sequenced core curriculum."~~

133 "(2) It is the policy of this state that the purpose of the primary grades program shall be
 134 mastery by enrolled students of the essential basic skills and knowledge which will
 135 enable them to achieve more advanced skills and knowledge offered at the higher grade
 136 levels. For purposes of funding under this article, the primary grades program shall
 137 include grades one, two, and three. To be eligible for enrollment in the first grade of a
 138 state supported primary grades program, a child must attain the age of six by September
 139 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
 140 Board of Education ~~shall~~ may adopt an instrument or instruments, procedures, and
 141 policies necessary to assess the first grade readiness of children enrolled in Georgia's
 142 public school kindergarten programs pursuant to Code Section 20-2-281. Readiness
 143 information obtained by the instrument or instruments adopted by the state board ~~shall~~
 144 may be used by local school systems in concert with teacher recommendations and other
 145 relevant information to make appropriate student grade placement decisions. The
 146 Department of Education ~~shall~~ may develop guidelines for utilization of the instrument
 147 or instruments in grade placement decisions and ~~shall~~ provide such guidelines to local
 148 school systems. The guidelines ~~shall~~ may include information pertinent to consideration
 149 of the placement of students who have been identified as being disabled or
 150 limited-English-proficient. Whenever the decision is made not to promote a child to the
 151 first grade, the local school system ~~shall~~ may document the reasons for the decision not
 152 to promote, according to guidelines established by the board. The State School
 153 Superintendent ~~shall~~ may annually provide a report summarizing the results of the
 154 readiness of first grade Georgia public school kindergarten children. No student shall
 155 remain in kindergarten for more than two years;"

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SECTION 8.

157 Said chapter is further amended by revising subsections (a) and (h) of Code Section
 158 20-2-154.1, relating to alternative education programs, as follows:

159 "(a) It is the policy of this state that the alternative education program shall provide a
 160 learning environment that includes the ~~objectives of the quality core curriculum~~ state
 161 mandated content standards and that the instruction in an alternative education program
 162 shall enable students to return to a general or career education program as quickly as
 163 possible. Course credit shall be earned in an alternative education program in the same
 164 manner as in other education programs. It is the policy of this state that it is preferable to
 165 reassign disruptive students to an alternative education program rather than suspending or
 166 expelling such students from school."

167 "(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education
 168 programs shall be based upon a full-time equivalent program count that equals 2.5 percent
 169 of the sum of the full-time equivalent program count of the ~~middle grades program, the~~
 170 ~~middle school program as defined in Code Section 20-2-290~~, the high school general
 171 education program (grades nine through 12), and the career, technical, and agricultural
 172 education laboratory program (grades nine through 12). For the 2002-2003 school year and
 173 thereafter, the amount of state funds appropriated and allocated for the alternative
 174 education program provided for in this Code section shall be based on the actual count of
 175 students served during the preceding year, except that the count of students served shall not
 176 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~
 177 ~~grades program, the middle school program as defined in Code Section 20-2-290~~, the high
 178 school general education program (grades nine through 12), and the career, technical, and
 179 agricultural education laboratory program (grades nine through 12). Funds earned may be
 180 expended in kindergarten and in grades one through 12."

181 **SECTION 9.**

182 Said chapter is further amended by revising Code Section 20-2-159.1, relating to focused
 183 programs of study, as follows:

184 "20-2-159.1.

185 No later than July 1, 2013, the Department of Education shall develop, and the State Board
 186 of Education shall approve, state models and ~~curriculum framework~~ state mandated content
 187 standards for the following focused programs of study, as defined in Code Section
 188 20-2-326, including, but not limited to:

- 189 (1) Agriculture, food, and natural resources;
- 190 (2) Architecture and construction;
- 191 (3) Arts, audio-video technology, and communications;
- 192 (4) Business, management, and administration;
- 193 (5) Education and training;
- 194 (6) Finance;
- 195 (7) Health science;
- 196 (8) Hospitality and tourism;
- 197 (9) Human services;
- 198 (10) Information technology;
- 199 (11) Law, public safety, and security;
- 200 (12) Manufacturing;
- 201 (13) Government and public administration;
- 202 (14) Marketing, sales, and service;

203 (15) Science, technology, engineering, and mathematics; and

204 (16) Transportation, distribution, and logistics.

205 Such focused programs of study may be combined around these and other related clusters."

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SECTION 10.

207 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-159.2,
208 relating to coordination between high schools and postsecondary institutions to minimize the
209 need for remedial course work for students in postsecondary institutions, as follows:

210 "(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master
211 the state mandated content standards established pursuant to Code Section 20-2-140 will
212 meet the requirements for purposes of admission into a postsecondary institution, such
213 as grade point average and readiness levels in reading, writing, and mathematics, without
214 having to take remedial coursework. Such policies shall:

215 (A) Establish the benchmarks for college readiness and the method in which students
216 can demonstrate readiness in reading, writing, and mathematics for postsecondary
217 coursework upon completing the ~~core curriculum~~ state mandated content standards; and

218 (B) Set the conditions for ensuring college readiness;"

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SECTION 11.

220 Said chapter is further amended by revising subsection (a) of Code Section 20-2-159.3,
221 relating to coordination between high schools and postsecondary institutions to minimize the
222 need for remedial course work for students in postsecondary academic core standards to be
223 embedded in career, technical, and agricultural education courses, as follows:

224 "(a) The ~~competencies and curricula~~ state mandated content standards established for
225 career, technical, and agricultural education courses pursuant to Code Section 20-2-140
226 shall include embedded standards in academic core subject areas, as appropriate. In
227 establishing such ~~competencies and curricula~~ state mandated content standards, the state
228 board shall work to ensure that the coursework meets postsecondary requirements for
229 acceptance of credit for such coursework at the postsecondary level. Such courses shall
230 be taught by a highly qualified teacher in the academic content and trained or experienced
231 in contextualized learning using project based methods; by a highly qualified career,
232 technical, and agricultural education teacher who has completed a state-approved training
233 program to strengthen academic content and has passed a state-approved exam for
234 demonstrating mastery of academic content; or by a team made up of a highly qualified
235 teacher in the academic content and a highly qualified career, technical, and agricultural
236 education teacher working together to teach the course."

237

SECTION 12.

238 Said chapter is further amended by revising subsection (a) of Code Section 20-2-160, relating
 239 to determination of enrollment by institutional programs, as follows:

240 "(a) The State Board of Education shall designate the specific dates upon which two counts
 241 of students enrolled in each instructional program authorized under this article shall be
 242 made each school year and by which the counts shall be reported to the Department of
 243 Education. The initial enrollment count shall be made after October 1 but prior to
 244 November 17 and the final enrollment count after March 1 but prior to May 1. The report
 245 shall indicate the student's specific assigned program for each one-sixth segment of the
 246 school day on the designated reporting date. No program shall be indicated for a student
 247 for any one-sixth segment of the school day that the student is assigned to a study hall; a
 248 noncredit course; a course recognized under this article or by state board policy as an
 249 enrichment course, except a driver education course; a course which requires participation
 250 in an extracurricular activity for which enrollment is on a competitive basis; a course in
 251 which the student serves as a student assistant to a teacher, in a school office, or in the
 252 media center, except when such placement is an approved work site of a recognized career,
 253 technical, and agricultural education laboratory program; an individual study course for
 254 which no outline of course objectives is prepared in writing prior to the beginning of the
 255 course; or any other course or activity so designated by the state board. For the purpose
 256 of this Code section, the term 'enrichment course' means a course which does not dedicate
 257 a major portion of the class time toward the development and enhancement of one or more
 258 ~~student competencies~~ state mandated content standards as adopted by the state board under
 259 Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth
 260 segment of the school day for which the student is not enrolled in an instructional program
 261 or has not attended a class or classes within the preceding ten days; nor shall a program be
 262 indicated for a student for any one-sixth segment of the school day for which the student
 263 is charged tuition or fees or is required to provide materials or equipment beyond those
 264 authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit
 265 course pursuant to Code Section 20-2-159.5 shall be counted for the high school program
 266 or other appropriate program for each segment in which the student is attending such dual
 267 credit course. The state board shall adopt such regulations and criteria as necessary to
 268 ensure objective and true counts of students in state approved instructional programs. The
 269 state board shall also establish criteria by which students shall be counted as resident or
 270 nonresident students, including specific circumstances which may include, but not be
 271 limited to, students attending another local school system under court order or under the
 272 terms of a contract between two local school systems. If a local school system has a

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

275 **SECTION 13.**

276 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section
277 20-2-161, relating to the Quality Basic Education Formula, as follows:

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

282 (1) Kindergarten program 1.6508
283 weight and
284 1 to 15
285 ratio

286 (2) Kindergarten early intervention program 2.0348
287 weight and
288 1 to 11
289 ratio

290 (3) Primary grades program (1-3) 1.2849
291 weight and
292 1 to 17
293 ratio

294 (4) Primary grades early intervention program (1-3) 1.7931
295 weight and
296 1 to 11
297 ratio

298 (5) Upper elementary grades program (4-5) 1.0355
299 weight and
300 1 to 23
301 ratio

302	(6) Upper elementary grades early intervention program (4-5)	1.7867
303		weight and
304		1 to 11
305		ratio
306	(7) Middle grades program (6-8)	1.0186
307		weight and
308		1 to 23
309		ratio
310	(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
311		weight and
312		1 to 20
313		ratio
314	(9)(8) High school general education program (9-12)	1.0000
315		weight and
316		1 to 23
317		ratio
318	(10)(9) Career, technical, and agricultural education	1.1916
319	laboratory program (9-12)	weight and
320		1 to 20
321		ratio
322	(11)(10) Program for persons with disabilities:	
323	Category I	2.3798
324		weight and
325		1 to 8
326		ratio

327	(12) (11) Program for persons with disabilities:	
328	Category II	2.7883
329		weight and
330		1 to 6.5
331		ratio
332	(13) (12) Program for persons with disabilities:	
333	Category III	3.5493
334		weight and
335		1 to 5
336		ratio
337	(14) (13) Program for persons with disabilities:	
338	Category IV	5.7509
339		weight and
340		1 to 3
341		ratio
342	(15) (14) Program for persons with disabilities:	
343	Category V	2.4511
344		weight and
345		1 to 8
346		ratio
347	(16) (15) Program for intellectually gifted students:	
348	Category VI	1.6589
349		weight and
350		1 to 12
351		ratio
352	(17) (16) Remedial education program	1.3087
353		weight and
354		1 to 15
355		ratio

SECTION 15.

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

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

(c) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades~~, middle school, and alternative education programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for at least one school counselor for every 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program weights for the English for speakers of other languages program and the programs for persons with disabilities shall also earn school counselor funding. Further, beginning in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually gifted students and the remedial education program shall also earn school counselor funding. The duties and responsibilities for such school counselors shall be established by the state board to require a minimum of five of the six full-time equivalent program count segments of the counselor's time to be spent counseling or advising students or parents."

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

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

For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only, the system average maximum class size for each instructional program covered under this

424 paragraph shall be the same as the maximum individual class size for each such program,
 425 and local boards of education shall be considered in compliance with this paragraph so
 426 long as the system average maximum class size is not exceeded; provided, however, that
 427 if the State Board of Education approves a blanket waiver or variance pursuant to
 428 subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be
 429 the system average maximum class sizes for purposes of this paragraph."

430 **SECTION 16.**

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

433 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,
 434 primary grades early intervention, upper elementary, upper elementary grades early
 435 intervention, ~~middle grades~~, middle school, and remedial programs and the program
 436 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 437 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 438 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 439 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 440 funds shall be used for addressing the academic needs of low-performing students with
 441 programs including, but not limited to, instructional opportunities for students beyond the
 442 regular school day, Saturday classes, intersession classes, summer school classes, and
 443 additional instructional programs during the regular school day. Following the midterm
 444 adjustment, the state board shall issue allotment sheets for each local school system. Each
 445 local school system shall spend 100 percent of the funds designated for additional days of
 446 instruction for such costs at the system level, which may include transportation costs
 447 incurred for transporting students who are attending additional classes funded by these
 448 designated funds."

449 **SECTION 17.**

450 Said chapter is further amended by revising subsection (a) of Code Section 20-2-190, relating
 451 to professional development centered on state-wide strategic initiatives, as follows:

452 "(a) Subject to appropriations by the General Assembly, the State Board of Education shall
 453 provide professional development centered on state-wide strategic initiatives. Such
 454 strategic initiatives may include, but are not limited to, training on ~~the new common core~~
 455 curriculum state mandated content standards, support for under-performing educators, and
 456 mentoring programs in specific subject areas."

457 **SECTION 18.**

458 Said chapter is further amended by repealing and reserving Code Section 20-2-205, relating
459 to the Georgia Master Teacher Program.

460 **SECTION 19.**

461 Said chapter is further amended by repealing and reserving Code Section 20-2-217, relating
462 to professional and staff development stipends.

463 **SECTION 20.**

464 Said chapter is further amended by revising subsection (c) of Code Section 20-2-241, relating
465 to the State School Superintendent, as follows:

466 "(c) The State School Superintendent shall have the authority to enter into contracts for the
467 amount of \$50,000.00 or less on behalf of the Department of Education. The State School
468 Superintendent may delegate to the chief financial officer the authority to execute such
469 contracts on behalf of the State School Superintendent."

470 **SECTION 21.**

471 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-242, relating
472 to local school systems, local units of administration, and local governing bodies, as follows:

473 "(1) The instructional programs authorized pursuant to Part 3 of this article and the
474 uniformly sequenced core curriculum state mandated content standards authorized
475 pursuant to Part 2 of this article are fully and effectively implemented;"

476 **SECTION 22.**

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

478 "20-2-244.1.

479 (a) As used in this Code section, the term:

480 (1) 'Student' means a student who is or was enrolled in a public school in this state.

481 (2) 'Substantial hardship' means a significant, unique, and demonstrable economic,
482 technological, legal, or other type of hardship to the person requesting a variance or
483 waiver which impairs the ability of the person to continue to function in the regulated
484 practice or business.

485 (3) 'Variance' means a modification granted by the State Board of Education to all or part
486 of the literal requirements of a rule to a person who is subject to the rule.

487 (4) 'Waiver' means a decision by the State Board of Education not to apply all or part of
488 a rule to a person who is subject to the rule.

489 (b) Except as provided in subsection (f) of this Code section, the State Board of Education
490 is authorized to grant a variance or waiver to a rule when a student subject to that rule
491 demonstrates that the purpose of the underlying statute upon which the rule is based can
492 be or has been achieved by other specific means which are agreeable to the person seeking
493 the variance or waiver and that strict application of the rule would create a substantial
494 hardship to such person.

495 (c) Except as provided in subsection (f) of this Code section, a student who is subject to
496 regulation by a State Board of Education rule may file a petition with the state board
497 requesting a variance or waiver from the state board's rule. In addition to any other
498 requirements which may be imposed by the state board, each petition shall specify:

499 (1) The rule from which a variance or waiver is requested;

500 (2) The type of action requested;

501 (3) The specific facts of substantial hardship which would justify a variance or waiver
502 for the petitioner, including the alternative standards which the person seeking the
503 variance or waiver agrees to meet and a showing that such alternative standards will
504 afford adequate protection for the public health, safety, and welfare; and

505 (4) The reason why the variance or waiver requested would serve the purpose of the
506 underlying statute.

507 (d) The state board shall grant or deny a petition for variance or waiver in writing no later
508 than 60 days after the receipt of the petition. The state board's decision to grant or deny the
509 petition shall be in writing and shall contain a statement of the relevant facts and the
510 reasons supporting the state board's action.

511 (e) The state board's decision to deny a petition for variance or waiver shall be subject to
512 judicial review in accordance with Code Section 50-13-19. The validity of any variance
513 or waiver which is granted by the state board may be determined in an action for
514 declaratory judgment in accordance with Code Section 50-13-10.

515 (f) This Code section shall not apply, and no variance or waiver shall be sought or
516 authorized, when a state board rule or regulation has been adopted or promulgated in order
517 to implement or promote a federally delegated program.

518 (g) An aggregated report of all waivers granted pursuant to this Code section shall be
519 reported to the General Assembly within the first ten days of the next legislative session.
520 Such information shall contain a description of the waiver granted, including a detail of the
521 variance from any rule or regulation, but shall not include any identifying information of
522 the student.

523 (h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with
524 respect to petitions for variances or waivers of rules by students."

525 **SECTION 23.**

526 Said chapter is further amended in subsection (b) of Code Section 20-2-260, relating to
 527 capital outlay funds generally, by revising paragraph (3) and by adding a new paragraph as
 528 follows:

529 "(3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result
 530 in the acquisition of fixed assets, existing buildings, improvements to sites, construction
 531 of buildings, construction of additions to buildings, retrofitting of existing buildings for
 532 energy conservation, and initial and additional equipment and furnishings for educational
 533 facilities. This term also includes expenditures for computer equipment and software for
 534 the school that is integral to the implementation of the school's curriculum, instruction,
 535 or administration."

536 "(9.1) 'Local school system' means any entity defined as a local educational agency by
 537 the Department of Education."

538 **SECTION 24.**

539 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
 540 20-2-270.1, relating to services to member local school systems by regional educational
 541 service agencies, as follows:

542 "(3) Developing and implementing curricula and instruction of the highest quality
 543 possible, including implementing the ~~uniformly sequenced core curriculum state~~
 544 mandated content standards adopted by the state board;"

545 **SECTION 25.**

546 Said chapter is further amended by revising Code Section 20-2-281, relating to assessment
 547 of effectiveness of educational programs, as follows:

548 "20-2-281.

549 (a) The State Board of Education shall adopt a student assessment program consisting of
 550 instruments, procedures, and policies necessary to implement the program and shall fund
 551 all costs of providing and scoring such instruments, subject to appropriation by the General
 552 Assembly. ~~Each local school system may elect to administer, with state funding, nationally~~
 553 ~~norm-referenced instruments in reading, mathematics, science, or social studies in grade~~
 554 ~~three, four, or five and in grade six, seven, or eight, subject to available appropriations,~~
 555 ~~with assistance to such school systems by the State Board of Education with regard to~~
 556 ~~administration guidance, scoring, and reporting of such assessments.~~ The State Board of
 557 Education shall review, revise, and upgrade the ~~quality core curriculum state mandated~~
 558 content standards. Following the adoption of ~~this revised curriculum~~ such state mandated
 559 content standards, the State Board of Education shall contract for development of

560 criterion-referenced competency tests to measure the ~~quality core curriculum state~~
 561 ~~mandated content standards~~. Such tests in English ~~and~~ language arts/reading and;
 562 mathematics,~~and reading~~ shall be administered annually to students in grades one through
 563 eight, and such tests in science and social studies shall be administered annually to students
 564 in grades three through eight. These tests shall contain features that allow for
 565 comparability to other states which are educationally and technically sound and comparable
 566 to Georgia. This action shall be completed according to a schedule established by the State
 567 Board of Education. ~~A curriculum based assessment shall be administered in grade 11 for~~
 568 ~~graduation purposes~~. Writing assessments shall be administered to students in grades three,
 569 five, eight, and 11 in grades designated by the State Board of Education as part of the
 570 English language arts/reading assessments. ~~The writing assessments shall provide students~~
 571 ~~and their parents with performance outcome measures resulting from the administration of~~
 572 ~~such tests~~.

573 (b) ~~The nationally normed assessments provided for in subsection (a) of this Code section~~
 574 ~~shall provide students and their parents with grade equivalencies and percentile ranks~~
 575 ~~which result from the administration of such tests~~. Criterion-referenced tests and the high
 576 school graduation test provided for in subsection (a) of this Code section shall provide for
 577 results that reflect student achievement at the individual student, classroom, school, system,
 578 and state levels. The State Board of Education shall participate in the National Assessment
 579 of Educational Progress (NAEP) and may participate in any other tests that will allow
 580 benchmarking this state's performance against national or international performance. The
 581 results of such testing shall be provided to the Governor, the General Assembly, and the
 582 State Board of Education and shall be reported to the citizens of Georgia. Further, the state
 583 board shall adopt a school readiness assessment for students entering first grade and shall
 584 administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section
 585 20-2-151. One of the components in the awarding of salary supplements as part of a pay
 586 for performance or related plan under this article may be assessments of student
 587 achievement.

588 (b.1) The State Board of Education shall notify local school systems and individual
 589 schools of the results of the assessment instruments administered under this Code section
 590 at the earliest possible date determined by the state board, but not later than the beginning
 591 of the subsequent school year.

592 (c) The State Board of Education shall have the authority to condition the awarding of a
 593 high school diploma to a student upon achievement of satisfactory scores on instruments
 594 or tests adopted and administered by the state board pursuant to subsection (a) of this Code
 595 section. The state board is authorized and directed to adopt regulations providing that any
 596 disabled child, as defined by the provisions of this article, shall be afforded opportunities

597 to take any test adopted by the state board as a condition for the awarding of a high school
 598 diploma. Said regulations shall further provide for appropriate accommodations in the
 599 administration of such test. Said regulations shall further provide for the awarding of a
 600 special education diploma to any disabled student who is lawfully assigned to a special
 601 education program and who does not achieve a passing score on said test or who has not
 602 completed all of the requirements for a high school diploma but who has nevertheless
 603 completed his or her Individualized Education Program.

604 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 605 administered to ~~each student receiving special education services pursuant to Code~~
 606 ~~Section 20-2-152 who does not receive instruction in the essential knowledge and skills~~
 607 ~~identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~
 608 those students with significant cognitive disabilities, receiving special education services
 609 pursuant to Code Section 20-2-152, who cannot access the state adopted content
 610 standards without appropriate accommodations to those standards and for whom the
 611 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code
 612 section, even with allowable ~~modifications~~ accommodations, would not provide an
 613 appropriate measure of student achievement, as determined by the student's
 614 Individualized Education Program team. ~~A student's Individualized Education Program~~
 615 ~~may serve as an alternate assessment for that student.~~

616 (2) A student's Individualized Education Program team shall determine appropriate
 617 participation in assessment and identify necessary accommodations in accordance with
 618 the federal Individuals with Disabilities Education Act and state board regulations.

619 (e) The State Board of Education is authorized to adopt rules, regulations, policies, and
 620 procedures regarding accommodations and the participation of limited-English-proficient
 621 students, as defined in Code Section 20-2-156, in the assessments described in this Code
 622 section.

623 (f) The State Board of Education shall adopt end-of-course assessments for students in
 624 grades nine through 12 for all core subjects to be determined by the state board. For those
 625 students with an Individualized Education Program, the student's Individualized Education
 626 Program team shall determine appropriate participation in assessments and identify
 627 necessary accommodations in accordance with the federal Individuals with Disabilities
 628 Education Act and state board regulations.

629 (g) Under rules adopted by the State Board of Education, the Department of Education
 630 shall, subject to appropriations by the General Assembly, release some or all of the
 631 questions and answers to each criterion-referenced competency test administered under
 632 subsection (a) of this Code section and each end-of-course assessment administered under

633 subsection (e) of this Code section after the last time the instrument is administered for a
634 school year.

635 (h) The State Board of Education, through the Department of Education, shall administer
636 the end-of-course assessments for core subject areas as defined by state board policy. The
637 state board shall promulgate a schedule for the development and administration of all
638 end-of-course tests. By the 2015-2016 school year, the State Board of Education shall
639 make all end-of-course assessments available online and shall establish rules and
640 regulations to maximize the number of students and school systems utilizing such online
641 assessments.

642 (i) The Department of Education shall develop study guides for the criterion-referenced
643 tests and end-of-course assessments administered pursuant to subsections (a) and (f) of this
644 Code section. Each school system shall distribute the study guides to students who do not
645 perform satisfactorily on one or more parts of an assessment instrument administered under
646 this Code section and to the parents or guardians of such students.

647 (j)(1) The high school graduation test provided for in subsection (a) of this Code section
648 shall continue in effect until all high school core subject end-of-course assessments have
649 been developed and implemented, at which time the state board shall discontinue the test
650 according to a schedule to be determined by the state board.

651 (2) The State Board of Education shall adopt rules and regulations requiring the results
652 of core subject end-of-course assessments to be included as a factor in a student's final
653 grade in the core subject course for which the end-of-course assessment is given.

654 (k)(H) In addition to the assessment instruments adopted by the State Board of Education
655 and administered by the Department of Education, a local school system may adopt and
656 administer criterion-referenced or norm-referenced assessment instruments, or both, at
657 any grade level. Such locally adopted assessment instruments may not replace the state's
658 adopted assessment instruments for purposes of state accountability programs, except as
659 otherwise provided in paragraph (2) of this subsection. A local school system shall be
660 responsible for all costs and expenses incurred for locally adopted assessment
661 instruments. Students with Individualized Education Programs must be included in the
662 locally adopted assessments or provided an alternate assessment in accordance with the
663 federal Individuals with Disabilities Education Act.

664 ~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal~~
665 ~~Year 2003 to local boards of education exempting said boards from the administration~~
666 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~
667 ~~grade levels for which the local board of education implements a locally developed~~
668 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum which~~
669 ~~increases the expectations for student achievement beyond that of the applicable state~~

670 ~~criterion-referenced competency test or tests and meets all other requirements of this~~
671 ~~Code section, including reliability and validity requirements, with the exception of~~
672 ~~subsection (g) of this Code section. Local boards of education with such waivers shall~~
673 ~~submit to the State Board of Education school and local school system score reports of~~
674 ~~the locally developed criterion-referenced competency tests.~~

675 (l) In adopting academic skills assessment instruments under this Code section, the State
676 Board of Education or local school system shall ensure the security of the instruments in
677 their preparation, administration, and scoring. Notwithstanding any other provision of law,
678 meetings or portions of meetings held by the state board or a local board of education at
679 which individual assessment instruments or assessment instrument items are discussed or
680 adopted shall not be open to the public, and the assessment instruments or assessment
681 instrument items shall be confidential.

682 (m) The results of individual student performance on academic skills assessment
683 instruments administered under this Code section shall be confidential and may be released
684 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
685 20 U.S.C. Section 1232g.

686 (n) Overall student performance data shall be disaggregated by ethnicity, sex,
687 socioeconomic status, disability, language proficiency, grade level, subject area, school,
688 system, and other categories determined by policies established by the Office of Student
689 Achievement.

690 (o) Student performance data shall be made available to the public, with appropriate
691 interpretations, by the State Board of Education, the Office of Student Achievement, and
692 local school system. The information made available to the public shall not contain the
693 names of individual students or teachers.

694 (p) Teachers in grades one through 12 shall be offered the opportunity to participate
695 annually in a staff development program on the use of tests within the instructional
696 program designed to improve students' academic achievement. This program shall instruct
697 teachers on curriculum alignment related to tests, disaggregated student test data to identify
698 student academic weaknesses by subtests, and other appropriate applications as determined
699 by the State Board of Education.

700 (q) The State Board of Education shall consider the passage by a student of an industry
701 certification examination or a state licensure examination which is approved by the State
702 Board of Education when considering whether to grant such student a variance for one or
703 more portions of the high school graduation test required by the State Board of Education
704 pursuant to subsection (a) of this Code section in order to obtain a Georgia high school
705 diploma; provided, however, that the state board shall not grant a variance to a student

706 unless the student has attempted and failed to pass the relevant portion of the high school
707 graduation test at least four times."

708 **SECTION 26.**

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

711 "20-2-290.

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

721 ~~(2)~~(b) The board of education of any local school system shall be authorized to employ
722 school administrative managers in lieu of or in addition to assistant principals. Such
723 school administrative managers shall not be required to be certificated by the Professional
724 Standards Commission but shall have such qualifications as determined by the local
725 board with a minimum requirement of a bachelor's degree. The duties of school
726 administrative managers shall be to oversee and manage the financial and business affairs
727 of the school. The principal shall retain authority over the curriculum and instructional
728 areas. The school administrative manager shall report directly to the principal. In the
729 event that a local board considers hiring or utilizing school administrative managers
730 pursuant to this subsection, it shall receive and give all due consideration to
731 recommendations by the school council as to whether or not to utilize such position and
732 as to selection of the manager. Existing employees of the local board shall be eligible to
733 serve as school administrative managers if they meet other qualifications and
734 requirements established by the local board for such position. For purposes of earning
735 funds for such positions, school administrative managers shall be treated in all respects
736 the same as assistant principals.

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

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

742 ~~(2) Beyond the minimum of five hours of academic instruction, the local board shall~~
 743 ~~have the authority to schedule for the remainder of the day such academic or exploratory~~
 744 ~~classes as the State Board of Education shall prescribe, provided, however, that a student~~
 745 ~~shall be allowed to take additional academic classes instead of exploratory classes if the~~
 746 ~~parent or guardian of such a student requests such assignment, subject to availability; and~~
 747 ~~(3) An interdisciplinary team of academic teachers with common planning time of a~~
 748 ~~minimum of 55 minutes.~~

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

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

754 **SECTION 27.**

755 Said chapter is further amended by revising subsection (a) of Code Section 20-2-306, relating
 756 to honors program and residential high school program, as follows:

757 "~~(a) The State Board of Education~~ Office of Student Achievement is authorized to
 758 ~~inaugurate~~ continue and administer an honors program for students in the public and
 759 private high schools of this state and for resident students who attend a home ~~school~~ study
 760 program who have manifested exceptional abilities or unique potentials or who have made
 761 exceptional academic achievements. This program shall be conducted during summer
 762 months between normal school year terms at institutions of higher learning or other
 763 appropriate centers within this state with facilities adequate to provide challenging
 764 opportunities for advanced study and accomplishments by such students. The student
 765 honors program shall be implemented and operated in accordance with criteria established
 766 by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the
 767 ~~state board~~ Office of Student Achievement from funds made available for this purpose by
 768 the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to
 769 enter into cooperative agreements with the Board of Regents of the University System of
 770 Georgia for operating and sharing the costs of such programs."

771 **SECTION 28.**

772 Said chapter is further amended by revising Code Section 20-2-314, relating to development
 773 of rape prevention, personal safety education, and teen dating violence prevention program,
 774 as follows:

775 "20-2-314.

776 The State Board of Education shall develop, with input from appropriate experts, such as
 777 rape crisis centers and family violence shelters, a rape prevention and personal safety
 778 education program and a program for preventing teen dating violence for grade eight
 779 through grade 12 which are consistent with the ~~core curriculum~~ state mandated content
 780 standards provided for in Code Section 20-2-140. Local boards may implement such
 781 programs at any time and for any grade level local boards find appropriate, and the state
 782 board shall encourage the implementation of such programs. In addition, the state board
 783 shall make information regarding such programs available to the Board of Regents of the
 784 University System of Georgia."

785 **SECTION 29.**

786 Said chapter is further amended by revising subsection (j) of Code Section 20-2-315, relating
 787 to the prohibition of gender discrimination, as follows:

788 "(j) The Department of Education ~~shall~~ may publish an annual report of local school
 789 systems to include information regarding expenditures and participation rates for each
 790 gender and such other information as the state board and department deem relevant."

791 **SECTION 30.**

792 Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia
 793 Virtual School, as follows:

794 "20-2-319.1.

795 (a) The State Board of Education is authorized to establish the Georgia Virtual School
 796 whereby students may enroll in ~~state funded~~ courses via the Internet or in any other manner
 797 not involving on-site interaction with a teacher. Any Georgia student who is age 21 or
 798 younger shall be eligible to enroll in the Georgia Virtual School, ~~at no cost to the student.~~

799 The State Board of Education is authorized to promulgate rules and regulations pertaining
 800 to the Georgia Virtual School. Such rules and regulations, if established, shall include, at
 801 a minimum, a process for students to enroll in Georgia Virtual School courses and a
 802 process whereby a student's grade in the course is reported on the student's transcript. All
 803 teachers who provide instruction through the Georgia Virtual School shall be certified by
 804 the Professional Standards Commission. A local school system shall not prohibit any
 805 student from taking a course through the Georgia Virtual School, regardless of whether the
 806 school in which the student is enrolled offers the same course.

807 (b)(1) The department is authorized to establish a Georgia Virtual School grant account
 808 with funds appropriated by the General Assembly. The department shall use funds from
 809 ~~this~~ such grant account to pay for costs associated with the Georgia Virtual School

810 incurred by the department, including, but not limited to, actual costs associated with the
 811 maintenance of the Georgia Virtual School, such as new course development, credit
 812 recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and
 813 costs for tuition, materials, and fees for courses taken through the Georgia Virtual School
 814 by students in home study programs or private schools in this state.

815 (2) The local school system shall pay to the department costs for tuition, materials, and
 816 fees directly related to the approved course taken by a student in its school system
 817 through the Georgia Virtual School; provided, however, that in no event shall the amount
 818 of tuition charged to the local school system exceed \$250.00 per student per semester
 819 course; and provided, further, that if a student participates in courses through the Georgia
 820 Virtual School that are in excess of the maximum number of courses a student may be
 821 enrolled in during a school day, such student shall be subject to the cost of tuition not to
 822 exceed \$250.00 per student per semester course.

823 (3) Students in home study programs and private schools in this state may enroll in
 824 courses through the Georgia Virtual School at no cost, if appropriations are provided for
 825 such purpose in accordance with paragraph (1) of this subsection. If appropriations are
 826 not provided or if appropriations are provided but have been expended for such purpose,
 827 students in home study programs and private schools in this state may enroll in courses
 828 through the Georgia Virtual School based on availability of slots; provided, however, that
 829 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per
 830 semester course.

831 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2
 832 of Chapter 14 of this title."

833 **SECTION 31.**

834 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 835 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
 836 follows:

837 "(2) 'Clearing-house' means the clearing-house established pursuant to subsection ~~(b)~~(c)
 838 of this Code section."

839 **SECTION 32.**

840 Said chapter is further amended by revising Code Section 20-2-319.4, relating to virtual
 841 instruction programs, notice of opportunities, mechanisms for compliance, approved
 842 providers, approval status, and curriculum plan, as follows:

843 "20-2-319.4.

844 (a) Beginning with the 2013-2014 school year, each local school system shall provide
845 opportunities to all students in grades three through 12 enrolled in public schools within
846 its boundaries for participation in part-time and full-time virtual instruction program
847 options. Written notice of such opportunities, including an open enrollment period for
848 full-time students of at least 90 days and not ending earlier than 30 days prior to the first
849 day of the school year, shall be provided directly to parents of all students. The purpose
850 of the program shall be to make quality virtual instruction available to students using online
851 and distance learning technology in the nontraditional classroom. The program shall
852 provide at least three options for:

- 853 (1) Full-time virtual instruction for students enrolled in grades three through 12; and
- 854 (2) Part-time virtual instruction for students enrolled in grades three through 12.

855 A virtual instruction program conducted by a local school system shall include specific
856 ~~provision~~ provisions for at least two full-time options and one part-time option for students
857 enrolled in dropout prevention and academic intervention programs or Department of
858 Juvenile Justice education programs under Code Section 20-2-133.

859 (b) To provide students with the option of participating in virtual instruction programs as
860 required by subsection (a) of this Code section, a local school system may apply one or all
861 of the following mechanisms:

862 (1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code
863 Section 20-2-319.1;

864 (2) Facilitate enrollment in one or more courses pursuant to the clearing-house
865 established pursuant to Code Section 20-2-319.3;

866 ~~(2)(3) Enter into a contract with an approved a provider under subsection (c) of this Code~~
867 ~~section~~ for the provision of a full-time program under paragraph (1) of subsection (a) of
868 this Code section or a part-time program under paragraph (2) of subsection (a) of this
869 Code section; or

870 ~~(3)(4) Enter into an agreement with another local school system or systems to allow the~~
871 ~~participation of its students in an approved virtual instruction program provided by such~~
872 ~~other local school system or systems. The agreement shall indicate a process for the~~
873 ~~transfer of funds.~~

874 Contracts and agreements entered into pursuant to paragraph ~~(2)(3)~~ or ~~(3)(4)~~ of this
875 subsection may include multidistrict contractual arrangements that may be executed by a
876 regional educational service agency for its member school systems.

877 ~~(c) The department shall annually provide local school systems with a list of providers~~
878 ~~approved to offer virtual instruction programs. To be approved by the department, a~~
879 ~~provider shall document that it:~~

880 ~~(1) Possesses prior, successful experience offering online courses to elementary, middle,~~
881 ~~or high school students, as demonstrated through quantified student performance~~
882 ~~improvements for each subject area and grade level provided for consideration as~~
883 ~~instructional program options;~~
884 ~~(2) Assures instructional and curricular quality through a detailed curriculum and student~~
885 ~~performance accountability plan that addresses every subject and grade level intended for~~
886 ~~provision within local school system contracts, including:~~
887 ~~(A) Courses and programs that meet the nationally recognized standards for K-12~~
888 ~~online learning;~~
889 ~~(B) Instructional content and services that align with and measure student attainment~~
890 ~~of proficiency in the state-approved curriculum; and~~
891 ~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for~~
892 ~~grade level promotion and high school graduation with a standard diploma, as~~
893 ~~appropriate; and~~
894 ~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of~~
895 ~~Education, for the general public, as part of its application as a provider, and in all~~
896 ~~contracts negotiated pursuant to this Code section:~~
897 ~~(A) Information and data about each full-time and part-time program regarding its~~
898 ~~curriculum;~~
899 ~~(B) School policies and procedures;~~
900 ~~(C) Certification status of all administrative and instructional personnel;~~
901 ~~(D) Teacher-student ratios;~~
902 ~~(E) Student completion and promotion rates; and~~
903 ~~(F) Student, educator, and school performance accountability outcomes.~~
904 ~~(d) An approved provider shall retain its approved status for a period of five years after the~~
905 ~~date of the department's approval pursuant to subsection (c) of this Code section as long~~
906 ~~as the provider continues to comply with all requirements of this Code section; provided,~~
907 ~~however, that each provider approved by the department for the 2013-2014 school year~~
908 ~~shall reapply for approval to provide a part-time program for students in grades three~~
909 ~~through 12.~~
910 ~~(e)(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code~~
911 ~~section with an approved a provider shall at a minimum set forth a detailed curriculum plan~~
912 ~~that illustrates how students will be provided services for, and be measured for attainment~~
913 ~~of, proficiency in state curriculum requirements for state mandated content standards for~~
914 ~~each grade level and subject."~~

915 **SECTION 33.**

916 Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on
 917 assisting local boards of education in acquiring digital learning, and designating said Code
 918 section as reserved.

919 **SECTION 34.**

920 Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating
 921 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's
 922 Economy Act," as follows:

923 "(5) 'Focused program of study' means a rigorous academic core combined with a focus
 924 in mathematics and science; a focus in humanities, fine arts, and foreign language; or a
 925 coherent sequence of career pathway courses that is aligned with graduation requirements
 926 established by the State Board of Education and ~~curriculum requirements~~ state mandated
 927 content standards established pursuant to Part 2 of this article that prepares a student for
 928 postsecondary education or immediate employment after high school graduation."

929 **SECTION 35.**

930 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating
 931 to requirements for high schools that receive a reform grant, as follows:

932 "(1) Provide focused programs of study which are designed to provide a well-rounded
 933 education for students by fostering artistic creativity, critical thinking, and self-discipline
 934 through the teaching of academic content, knowledge, and skills that students will use in
 935 the workplace, further education, and life. The focused programs of study, whether
 936 provided at a choice technical high school, a college and career academy, a traditional
 937 high school, or on site at a technical school or college or a public college or university,
 938 shall be aligned with graduation requirements established by the State Board of Education
 939 and ~~curriculum requirements~~ state mandated content standards established pursuant to
 940 Part 2 of this article, including, at a minimum, four years of mathematics, Algebra I and
 941 higher, and four years of English, with an emphasis on developing reading and writing
 942 skills to meet college and career readiness standards;"

943 **SECTION 36.**

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

947 "(c) Parents or guardians may teach their children at home in a home study program, unless
 948 specifically prohibited by court order, which meets the following requirements:

- 949 (1) The parent, parents, or guardian must submit within 30 days after the establishment
950 of a home study program and by September 1 annually thereafter a declaration of intent
951 to utilize a home study program to the Department of Education, which shall provide for
952 written or electronic submittal of such declaration of intent;
- 953 (2) The declaration shall include a list of the names and ages of the students who are
954 enrolled in the home study program, the address where the home study program is
955 located, the local school system in which the home study program is located, and a
956 statement of the 12 month period that is to be considered the school year for that home
957 study program. Enrollment records and reports shall not be used for any purpose except
958 providing necessary enrollment information, except with the permission of the parent or
959 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;
- 960 (3) Parents or guardians may teach only their own children in the home study program,
961 provided the teaching parent or guardian possesses at least a high school diploma or a
962 general educational development diploma, but the parents or guardians may employ a
963 tutor who holds a high school diploma or a general educational development diploma to
964 teach such children;
- 965 (4) The home study program shall provide a basic academic educational program which
966 includes, but is not limited to, reading, language arts, mathematics, social studies, and
967 science;
- 968 (5) The home study program must provide instruction each 12 months to home study
969 students equivalent to 180 school days of education with each school day consisting of
970 at least four and one-half school hours unless the child is physically unable to comply
971 with the rule provided for in this paragraph;
- 972 (6) The parent or guardian shall have the authority to execute any document required by
973 law, rule, regulation, or policy to evidence the enrollment of a child in a home study
974 program, the student's full-time or part-time status, the student's grades, or any other
975 required educational information. This shall include, but not be limited to, documents for
976 purposes of verification of attendance by the Department of Driver Services, for the
977 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
978 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
979 required to apply for the receipt of state or federal public assistance;
- 980 (7) Students in home study programs shall be subject to an appropriate nationally
981 standardized testing program administered in consultation with a person trained in the
982 administration and interpretation of norm reference tests to evaluate their educational
983 progress at least every three years beginning at the end of the third grade and records of
984 such tests and scores shall be retained but shall not be required to be submitted to public
985 educational authorities; and

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

991 **SECTION 37.**

992 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,
 993 relating to local board tribunals to determine school law controversies, appeals, and special
 994 provisions for disabled children, as follows:

995 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue
 996 after a hearing shall have the right to appeal therefrom to the State Board of Education.
 997 The appeal shall be in writing and shall distinctly set forth the question in dispute, the
 998 decision of the local board, and a concise statement of the reasons why the decision is
 999 complained of; and the party taking the appeal shall also file with the appeal a transcript
 1000 of testimony certified as true and correct by the local school superintendent. The appeal
 1001 shall be filed with the superintendent within 30 days of the decision of the local board, and
 1002 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
 1003 appeal together with the transcript of evidence and proceedings, the decision of the local
 1004 board, and other matters in the file relating to the appeal to the state board. The state board
 1005 shall adopt regulations governing the procedure for hearings before the local board and
 1006 proceedings before it. The state board may affirm, reverse, or remand the local board
 1007 decision or may refer the matter to mediation."

1008 **SECTION 38.**

1009 Said chapter is further amended by adding a new paragraph to Code Section 20-2-2062,
 1010 relating to definitions, to read as follows:

1011 "(1.2) 'Charter authorizer' or 'authorizer' means the State Board of Education, the State
 1012 Charter Schools Commission, a local board of education, or any other entity in this state
 1013 authorized to approve or deny charter petitions pursuant to this article or Article 31A."

1014 **SECTION 39.**

1015 Said chapter is further amended by adding a new subsection to Code Section 20-2-2063,
 1016 relating to charter petitions, to read as follows:

1017 "(e) The State Board of Education shall establish rules, regulations, policies, and
 1018 procedures to provide a separate and expedited petition process for high-performing charter
 1019 schools to replicate, renew, or expand their school design. Such rules, regulations, policies,

1020 and procedures shall require the charter school replication, renewal, or expansion petition
 1021 to contain evidence of academic success for the school design that the charter school
 1022 petitioner intends to replicate, renew, or expand, along with proof that the petitioner has
 1023 the financial and human resources necessary to replicate, renew or expand the design
 1024 successfully."

1025 **SECTION 40.**

1026 Said chapter is further amended by revising Code Section 20-2-2064.1, relating to review of
 1027 charter by state board and charters for state chartered special schools, as follows:

1028 "20-2-2064.1.

1029 (a) Prior to approval or denial of a charter petition under this Code section, the state board
 1030 shall receive and give all due consideration to the recommendation and input from the
 1031 Charter Advisory Committee established in Code Section 20-2-2063.1.

1032 (b) The state board shall approve the charter of a charter petitioner if the petition has been
 1033 approved by the local board of the local school system in which the proposed charter
 1034 school will be located and the state board finds, after receiving input from the Charter
 1035 Advisory Committee, that the petition complies with the rules, regulations, policies, and
 1036 procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of
 1037 this title and is in the public interest. The state board shall approve or deny a petition and
 1038 execute the charter contract no later than 90 days after a local board approves such petition.

1039 If the state board denies a petition, it must within 60 days of such denial specifically state
 1040 the reasons for the denial, list all deficiencies with regard to Code Section 20-2-2063, and
 1041 provide a written statement of the denial to the charter petitioner and to the local board.

1042 (c) No application for a state chartered special school may be made to the state board by
 1043 a petitioner for a conversion charter school that has been denied by a local board. Upon
 1044 denial of a petition for a start-up charter school by a local board and upon application to
 1045 the state board by the petitioner, the state board shall approve the charter of a start-up
 1046 charter petitioner for a state chartered special school if the state board finds, after receiving
 1047 input from the Charter Advisory Committee, that such petition meets the requirements set
 1048 forth in Code Section 20-2-2063 and the provisions of this title, and is in the public interest.
 1049 The state board shall approve or deny a petition for a state chartered special school and
 1050 execute the charter contract no later than 90 days after the state board receives a petitioner's
 1051 application."

1052 **SECTION 41.**

1053 Said chapter is further amended by adding a new Code section to read as follows:

1054 "20-2-2064.2.

1055 (a) The General Assembly finds that:

1056 (1) A quality charter authorizer engages in responsible oversight of charter schools by
1057 ensuring that schools have both the autonomy to which they are entitled and the public
1058 accountability for which they are responsible; and

1059 (2) Charter authorizers should be guided by the following three core principles of charter
1060 authorizing:

1061 (A) Maintain high standards for charter schools;

1062 (B) Uphold charter school autonomy; and

1063 (C) Protect student and public interests.

1064 (b) To solicit, encourage, and guide the development of quality charter school petitions,
1065 the State Board of Education shall establish rules, regulations, policies, and procedures
1066 requiring every charter authorizer that oversees a charter school or that has received a
1067 charter petition to develop and annually publish a policy statement that:

1068 (1) Presents the authorizer's strategic vision for chartering, including a clear statement
1069 of any preferences the authorizer might grant to petitions that help at-risk students;

1070 (2) Includes or otherwise directs petitioners to the performance framework that the
1071 authorizer has established for charter school oversight and evaluation;

1072 (3) Includes the criteria that will guide the authorizer's decision to approve or deny a
1073 petition;

1074 (4) States clear, appropriately detailed questions as well as guidelines concerning the
1075 format and content essential for petitioners to demonstrate the capacities necessary to
1076 establish and operate a successful charter school; and

1077 (5) Requires charter petitioners to provide or describe thoroughly all of the contents of
1078 a charter petition.

1079 (c) A charter authorizer's petition review process shall include thorough evaluation of each
1080 written charter petition, an in-person interview with the petitioner, and an opportunity in
1081 a public meeting for local residents or other interested persons to learn about and provide
1082 comment on each petition.

1083 (d) An authorizer shall monitor the performance and legal compliance of the charter
1084 schools it oversees, including collecting and analyzing data to support ongoing evaluation
1085 according to the charter. Every authorizer shall have the authority to conduct or require
1086 oversight activities that enable the authorizer to fulfill its responsibilities, including
1087 conducting appropriate inquiries and investigations, so long as those activities adhere to
1088 the terms of the charter and do not unduly inhibit the autonomy granted to charter schools.

1089 (e) Each authorizer shall annually publish and provide a performance report for each
1090 charter school it oversees. The authorizer may require each charter school it oversees to

1091 submit an annual report to assist the authorizer in gathering complete information about
 1092 each school, consistent with the authorizer's performance framework.
 1093 (f) In the event that a charter school's performance or legal compliance appears
 1094 unsatisfactory, the authorizer shall promptly notify the charter school of the perceived
 1095 problem and provide reasonable opportunity for the charter school to remedy the problem,
 1096 unless the problem warrants termination in which case provisions of Code Section
 1097 20-2-2068 or 20-2-2083 and the terms of the charter apply.
 1098 (g) Every authorizer shall have the authority to take appropriate corrective actions or
 1099 exercise sanctions short of termination in response to apparent deficiencies in charter
 1100 school performance or legal compliance. Such actions or sanctions may include, if
 1101 warranted, requiring a charter school to develop and execute a corrective action plan within
 1102 a specified time frame.
 1103 (h) The state board shall identify the charter authorizers that fail to satisfy the requirements
 1104 of subsection (b) of this Code section in its annual report to the General Assembly pursuant
 1105 to Code Section 20-2-2070."

1106 **SECTION 42.**

1107 Said chapter is further amended by revising subsections (a) through (c) and by adding new
 1108 subsections to Code Section 20-2-2068.1, relating to charter school funding, as follows:
 1109 "(a) A local charter school shall be included in the allotment of ~~QBE formula earnings,~~
 1110 ~~applicable QBE grants, applicable non-QBE state grants,~~ state funds and applicable federal
 1111 grants to the local school system in which the local charter school is located under Article
 1112 6 of this chapter. The local board and the state board shall treat a ~~conversion~~ local charter
 1113 school no less favorably than other local schools located within the applicable local school
 1114 system unless otherwise provided by law. ~~The local board and the state board shall treat~~
 1115 ~~a start-up charter school no less favorably than other local schools within the applicable~~
 1116 ~~local system with respect to the provision of funds for instruction, school administration,~~
 1117 ~~transportation, food services, and, where feasible, building programs.~~
 1118 ~~(b) QBE formula earnings, applicable QBE grants, applicable non-QBE state grants, and~~
 1119 ~~applicable federal grants earned by a local charter school shall be distributed to the local~~
 1120 ~~charter school by the local board; provided, however, that state equalization grant earnings~~
 1121 ~~shall be distributed as provided in subsection (c) of this Code section. QBE formula~~
 1122 ~~earnings shall include the salary portion of direct instructional costs, the adjustment for~~
 1123 ~~training and experience, the nonsalary portion of direct instructional costs, and earnings for~~
 1124 ~~psychologists and school social workers, school administration, facility maintenance and~~
 1125 ~~operation, media centers, additional days of instruction in accordance with Code Section~~
 1126 ~~20-2-184.1, and staff development.~~

1127 (b)(1) The following funds shall be distributed by the local board to a local charter
 1128 school:

1129 (A) QBE formula earnings and QBE grants earned by the local charter school based
 1130 on the school's enrollment, school profile, and student characteristics. QBE formula
 1131 earnings shall include the salary portion of direct instructional costs, the adjustment for
 1132 training and experience, the nonsalary portion of direct instructional costs, and earnings
 1133 for psychologists and school social workers, school and district administration, facility
 1134 maintenance and operation, media centers, additional days of instruction in accordance
 1135 with Code Section 20-2-184.1, and staff development, as determined by the department;
 1136 and

1137 (B) A proportional share of earned state categorical grants, non-QBE state grants,
 1138 transportation grants, school nutrition grants, and all other state grants, except state
 1139 equalization grants, as determined by the department.

1140 (2) The local charter school shall report enrolled students in a manner consistent with
 1141 Code Section 20-2-160.

1142 (c) In addition to the earnings set out in subsection (b) of this Code section, local revenue
 1143 earnings for a local charter school shall be equal to the average amount of the total
 1144 revenues less federal revenues less state revenues other than equalization grants per
 1145 full-time equivalent for the school system. local revenue shall be allocated to a local charter
 1146 school on the same basis as for any local school in the local school system. In the case of
 1147 a start-up charter school, local revenue earnings shall be calculated as follows:

1148 ~~(1) Determine the total amount of state and local five mill share funds earned by students~~
 1149 ~~enrolled in the local start-up charter school as calculated by the Quality Basic Education~~
 1150 ~~Formula pursuant to Part 4 of Article 6 of this chapter including any funds for~~
 1151 ~~psychologists and school social workers but excluding 5 percent of system-wide funds~~
 1152 ~~for central administration and excluding any categorical grants not applicable to the~~
 1153 ~~charter school;~~

1154 ~~(2) Determine the total amount of state and local five mill share funds earned by all~~
 1155 ~~students in the public schools of the local school system, including any charter schools~~
 1156 ~~that receive local revenue, as calculated by the Quality Basic Education Formula but~~
 1157 ~~excluding categorical grants and other non-QBE formula grants;~~

1158 ~~(3) Divide the amount obtained in paragraph (1) of this subsection by the amount~~
 1159 ~~obtained in paragraph (2) of this subsection; and~~

1160 ~~(4) Multiply the quotient obtained in paragraph (3) of this subsection by the school~~
 1161 ~~system's local revenue.~~

1162 ~~The product obtained in paragraph (4) of this subsection shall be the amount of local funds~~
 1163 ~~to be distributed to the local start-up charter school by the local board; provided, however,~~

1164 ~~that nothing~~ Nothing in this subsection shall preclude a charter petitioner and a local board
 1165 of education from specifying in the charter a greater amount of local funds to be provided
 1166 by the local board to the local ~~start-up~~ charter school if agreed upon by all parties to the
 1167 charter. Local funds so earned shall be distributed to the local ~~start-up~~ charter school by
 1168 the local board. ~~Where feasible and where services are provided, funds for construction~~
 1169 ~~projects shall also be distributed to the local start-up charter school as earned.~~ In all other
 1170 fiscal matters, including applicable federal allotments, the local board shall treat the local
 1171 ~~start-up~~ charter school no less favorably than other local schools located within the
 1172 applicable school system ~~and shall calculate and distribute the funding for the start-up~~
 1173 ~~charter school on the basis of its actual or projected enrollment in the current school year~~
 1174 ~~according to an enrollment counting procedure or projection method stipulated in the terms~~
 1175 ~~of the charter."~~

1176 "(i) The per student funding formula based on the school's projected enrollment, school
 1177 profile, and student characteristics that is included in a charter petition which is approved
 1178 by a local board shall be binding on such local board and the local board shall ensure that
 1179 the charter school receives, at a minimum, the proportional level of state, local, and federal
 1180 funding provided in such charter petition and approved charter.

1181 (j) No later than April 1 of each year, a local charter school shall notify the local board and
 1182 the department and a state chartered special school shall notify the department of the
 1183 funding estimates calculated pursuant to this subsection for any new local charter school
 1184 or state chartered special school and for any new grade levels or for a level of enrollment
 1185 growth in an existing grade level specified in the charter offered by existing local charter
 1186 schools or state chartered special schools. For purposes of funding students enrolled in a
 1187 local charter school or a state chartered special school and prior to the initial student count,
 1188 the local board or department, respectively, shall calculate and distribute, no later than July
 1189 1, the initial funding payment for the local charter school or state chartered special school
 1190 on the basis of the funding estimate provided in this subsection. Nothing in this subsection
 1191 shall be construed to require the department to conduct more than two student counts per
 1192 year."

1193 SECTION 43.

1194 Said chapter is further amended by revising subsection (h) of Code Section 20-2-2068.2,
 1195 relating to facilities fund for charter schools, purposes which funds may be used, upkeep of
 1196 charter school property, and availability of unused facilities, as follows:

1197 "(h)(1) As used in this subsection, the term:

1198 (A) 'Underutilized facility' means a school building or other local board of education
 1199 owned building in which less than 40 percent of the square footage of the building is

1200 being used for direct student instruction or critical administration purposes, and for
 1201 which no offer to purchase has been executed.

1202 (B) 'Unused facility' means an excess or surplus school building or other local board
 1203 of education owned building that is or could be appropriate for school use.

1204 (2) Each local board of education shall make its unused facilities available to local
 1205 charter schools. The terms of the use of such a facility by the charter school shall be
 1206 subject to negotiation between the board and the local charter school and shall be
 1207 memorialized as a separate agreement. A local charter school that is allowed to use such
 1208 a facility under such an agreement shall not sell or dispose of any interest in such
 1209 property without the written permission of the local board. A local charter school may
 1210 not be charged a rental or leasing fee for the existing facility or for property normally
 1211 used by the public school which became the local charter school. A local charter school
 1212 that receives property from a local board may not sell or dispose of such property without
 1213 the written permission of the local board.

1214 (3)(A) A charter school or a state charter school, as defined in Code Section 20-2-2081,
 1215 shall have a right of first refusal to purchase or lease at or below fair market value an
 1216 unused or underutilized facility. If, at the time a facility first becomes unused or
 1217 underutilized, the local board that owns the facility has a plan to reuse the facility
 1218 within a 12 month period, the local board shall not be required to include the facility
 1219 in its submission to the department. However, an owner may exclude an unused or
 1220 underutilized facility from the annual data base only once. Each local board of
 1221 education shall annually, by a deadline and in accordance with guidelines established
 1222 by the department, submit to the department a list of its unused and underutilized
 1223 facilities. The department shall, based on the submissions of the local board, publish
 1224 to its website a searchable data base of unused and underutilized facilities.

1225 (B) The department shall monitor the searchable data base and notify all charter
 1226 schools and state charter schools of unused and underutilized facilities that are available
 1227 and may be appropriate for school use.

1228 (C) The department shall establish an application process for charter schools and state
 1229 charter schools to purchase or lease unused or underutilized facilities. The local board
 1230 that owns the unused or underutilized facility shall receive any funds received from the
 1231 sale or lease of such facility under its control.

1232 (D) In the event more than one charter school or state charter school applies to
 1233 purchase or lease an unused or underutilized facility, the local board shall establish a
 1234 competitive bidding process. In scoring bids, the local board shall give weight to
 1235 academic quality, financial health, community impact, and the program design of the
 1236 charter school. If the local board receives two or more bids of equal score, the local

1237 board shall accept a bid based on a random draw conducted at a public hearing. The
 1238 department may establish guidelines on how the competitive bidding process must be
 1239 conducted.

1240 (E) This paragraph shall not be interpreted to limit the ability of a local school to
 1241 convert to a charter school pursuant to Code section 20-2-2064 or to limit the ability of
 1242 a local board to provide a facility to a local charter school pursuant to paragraph (2) of
 1243 this subsection."

1244 **SECTION 44.**

1245 Said chapter is further amended by revising subsection (a) and paragraph (1) of subsection
 1246 (c) of Code Section 20-2-2083, relating to powers and duties of the State Charter Schools
 1247 Commission, as follows:

1248 "(a) The commission shall have the power to:

1249 (1) Approve or deny petitions for state charter schools and renew, nonrenew, or
 1250 terminate state charter school petitions in accordance with rules and regulations
 1251 established pursuant to this article. At its discretion, the commission may preliminarily
 1252 approve a petition for a state charter school before the petitioner has secured space,
 1253 equipment, or personnel, if the petitioner indicates such preliminary approval is necessary
 1254 for it to raise working capital. The State Board of Education shall review and may
 1255 overrule the approval or renewal of a state charter school by the commission within ~~60~~
 1256 90 days of such decision by the commission upon a majority vote of the members of the
 1257 state board; and

1258 (2) Conduct facility and curriculum reviews of state charter schools."

1259 "(c)(1) The commission shall establish rules and regulations requiring each state charter
 1260 school to provide adequate notice of its enrollment procedures, ~~including any provision~~
 1261 ~~for the use of a random selection process where all applicants have an equal chance of~~
 1262 ~~being admitted in the event that the number of applications to enroll in the school exceeds~~
 1263 ~~the capacity of the program, grade, or school. A state charter school shall enroll any~~
 1264 student who resides in the charter attendance zone as specified in the charter and who
 1265 submits a timely application as specified in the charter unless the number of applications
 1266 exceeds the capacity of a program, class, grade level, or building. In such case, all such
 1267 applicants shall have an equal chance of being admitted through a random selection
 1268 process unless otherwise prohibited by law; provided, however, that a state charter school
 1269 may give enrollment preference to applicants in any one or more of the following
 1270 categories in the order of priority specified in the charter:

1271 (A) Students who reside in a specified political subdivision within the charter
 1272 attendance zone. For purposes of this subparagraph, a political subdivision means a

1273 local school system, county, municipal corporation, consolidated city-county
 1274 government, or other political subdivision of the state, any local authority, local body
 1275 corporate, or local public corporation created by or pursuant to the Constitution of
 1276 Georgia or any general, local, or special Act of the General Assembly, or any special
 1277 district or community improvement district of the state;
 1278 (B) A sibling of a student enrolled in the state charter school;
 1279 (C) A sibling of a student enrolled in another local school designated in the charter;
 1280 (D) A student whose parent or guardian is a member of the governing board of the state
 1281 charter school or is a full-time teacher, professional, or other employee at the state
 1282 charter school;
 1283 (E) Students matriculating from a local school designated in the charter; and
 1284 (F) Children who matriculate from a pre-kindergarten program which is associated
 1285 with the state charter school, including, but not limited to, programs which share
 1286 common facilities or campuses with the school or programs which have established a
 1287 partnership or cooperative efforts with the school."

1288 **SECTION 45.**

1289 Said chapter is further amended by revising subsections (a) through (c) of Code Section
 1290 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 1291 membership, and annual training, as follows:

1292 "(a) Petitions submitted to the commission shall be subject to rules and regulations
 1293 established pursuant to this article. The commission may establish application deadlines
 1294 to submit petitions to the commission, which shall include, at a minimum, June 1 and
 1295 December 1 of each year.

1296 (b) The commission shall be authorized to approve a petition for a state charter school that
 1297 meets the following requirements:

1298 (1) Has a state-wide attendance zone, which may include a school which provides
 1299 instruction in a physical location or which solely provides virtual instruction; or

1300 (2)(A) Has a defined attendance zone; and

1301 (B) Demonstrates that it has special characteristics, such as a special population, a
 1302 special curriculum, or some other feature or features which enhance educational
 1303 opportunities, which may include the demonstration of a need to enroll students across
 1304 multiple communities or an alternative delivery system; provided, however, that the
 1305 petitioner shall demonstrate a reasonable justification for any proposed special
 1306 curriculum that has a narrow or limited focus.

1307 (c)(1) For petitions for state charter schools with a state-wide attendance zone, the
 1308 petitioner shall submit such petition to the commission and concurrently to the local

1309 board of education in which the school is proposed to be located for information
 1310 purposes; provided, however, that this shall not apply to a proposed state charter school
 1311 which will solely provide virtual instruction.

1312 (2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1313 shall concurrently submit such petition to the commission, to the local board of education
 1314 in which the school is proposed to be located, and to each local school system from which
 1315 the proposed school plans to enroll students. The commission shall not act on a petition
 1316 unless the local board of education in which the school is proposed to be located denies
 1317 the petition; provided, however, that such local board shall approve or deny the petition
 1318 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of
 1319 Code Section 20-2-2064, ~~unless the petitioner requested an extension.~~ Failure to approve
 1320 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall
 1321 be deemed a denial for purposes of this paragraph. A local board that has denied a
 1322 petition for a state charter school shall be permitted to present to the commission in
 1323 writing or in person the reasons for denial and the deficiencies in such petition resulting
 1324 in such denial.

1325 (3) The commission may take into consideration any support or opposition by the local
 1326 board of education or local boards of education on the start-up charter school petition
 1327 when it votes to approve or deny a corresponding state charter school petition. The
 1328 commission shall approve or deny a petition no later than 90 days after its submission to
 1329 the commission."

1330 **SECTION 46.**

1331 Said chapter is further amended by revising subsections (a) and (d) of Code Section
 1332 20-2-2089, relating to funding for state charter schools, as follows:

1333 "(a)(1) The earnings for a student in a state charter school shall be equal to the earnings
 1334 for any other student with similar student characteristics in a state charter school,
 1335 regardless of the local school system in which the student resides or the school system
 1336 in which the state charter school is located, and, except as otherwise provided in
 1337 paragraph (2) of this subsection, the department shall pay to each state charter school
 1338 through appropriation of state funds an amount equal to the sum of:

1339 (A)(i) QBE formula earnings and QBE grants earned by the state charter school
 1340 based on the school's enrollment, school profile, and student characteristics. For
 1341 purposes of this subparagraph, the term 'QBE formula earnings' means funds earned
 1342 for the Quality Basic Education Formula pursuant to Code Section 20-2-161,
 1343 including the portion of such funds that are calculated in accordance with Code
 1344 Section 20-2-164. QBE formula earnings shall include the salary portion of direct

1345 instructional costs, the adjustment for training and experience, the nonsalary portion
 1346 of direct instructional costs, and earnings for psychologists and school social workers,
 1347 school administration, facility maintenance and operation, media centers, additional
 1348 days of instruction in accordance with Code Section 20-2-184.1, and staff
 1349 development, as determined by the department.

1350 (ii) A proportional share of earned state categorical grants, non-QBE state grants,
 1351 transportation grants, school nutrition grants, and all other state grants, except state
 1352 equalization grants, as determined by the department;

1353 (B) The average amount of the total revenues less federal revenues less state revenues
 1354 other than equalization grants per full-time equivalent for the lowest five school
 1355 systems ranked by assessed valuation per weighted full-time equivalent count, as
 1356 determined by the department; and

1357 (C) The state-wide average total capital revenue per full-time equivalent, as determined
 1358 by the department.

1359 (2) In the event that a state charter school offers virtual instruction:

1360 (A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of
 1361 this subsection shall be equal to two-thirds of such calculated amount; provided,
 1362 however, that this two-thirds amount may be increased by any amount up to the
 1363 originally calculated amount in the discretion of the commission if relevant factors
 1364 warrant such increase; and

1365 (B) The commission may reduce the amount of funds received pursuant to
 1366 subparagraph (C) of paragraph (1) of this subsection ~~in proportion to the amount of~~
 1367 ~~virtual instruction provided and based on factors that affect the cost of providing~~
 1368 instruction on a proportional basis if the school fails to provide documentation
 1369 confirming its capital expenditures per full-time equivalent are greater than or equal to
 1370 the state-wide average.

1371 (3) Any funds deducted from a state charter school pursuant to Code Section 20-2-164,
 1372 representing the equivalent of a local school system's five mill share, shall be calculated
 1373 based only on funds received pursuant to subparagraph (B) of paragraph (1) of this
 1374 subsection. For a state charter school that offers virtual instruction, the amount of the
 1375 deduction shall be reduced by one-third, unless the commission has increased the school's
 1376 calculated amount pursuant to subparagraph (A) of paragraph (2) of this subsection, in
 1377 which case the deduction shall be proportionate to the amount of funding received.

1378 ~~(3)~~(4) For purposes of this subsection, the terms:

1379 (A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax
 1380 digest reduced by the amount calculated pursuant to subsection (g) of Code Section
 1381 20-2-164.

1382 (B) 'Assessed valuation per weighted full-time equivalent count' is defined as the
 1383 assessed valuation for the most recent year available divided by the weighted full-time
 1384 equivalent count for the year of the digest."

1385 "(d) No later than April 1 of each year, the state charter school shall notify the commission
 1386 and the department of the funding estimates calculated pursuant to this subsection for any
 1387 new state charter schools and for any new grade levels or for a level of enrollment growth
 1388 in an existing grade level specified in the charter. For purposes of funding students
 1389 enrolled in a state charter school in the first year of such school's operation or for the first
 1390 year that an existing state charter school offers a new grade level and prior to the initial
 1391 student count, the commission shall calculate and the department shall distribute, no later
 1392 than July 1, the initial funding payment for the state charter school on the basis of its
 1393 projected enrollment according to an enrollment counting procedure or projection method
 1394 stipulated in the terms of the charter the funding estimates provided in this subsection. No
 1395 later than July 1 of each year, the commission shall notify the department and the Office
 1396 of Planning and Budget of the funding estimates calculated pursuant to this subsection for
 1397 any new state charter schools and for any new grade levels offered by existing state charter
 1398 schools. After the initial student count during the first year of such state charter school's
 1399 operation or newly offered grade level and in all years of operation thereafter, each state
 1400 charter school's student enrollment shall be based on the actual enrollment in the current
 1401 school year according to the most recent student count. Nothing in this Code section
 1402 subsection shall be construed to require the department to conduct more than two student
 1403 counts per year."

1404 SECTION 47.

1405 Said chapter is further amended by adding a new Code section to read as follows:

1406 "20-2-2092.

1407 (a) The commission shall have the power and authority to incorporate a nonprofit
 1408 corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal
 1409 Revenue Code to aid the commission in carrying out any of its powers and in
 1410 accomplishing any of its purposes. Any nonprofit corporation created pursuant to this
 1411 power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit
 1412 Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

1413 (b) Any nonprofit corporation created pursuant to this Code section shall be subject to the
 1414 following provisions:

1415 (1) In accordance with the Constitution of Georgia, no governmental functions or
 1416 regulatory powers shall be conducted by any such nonprofit corporation;

1417 (2) Upon dissolution of any such nonprofit corporation incorporated by the commission,

1418 any assets shall revert to the commission or to any successor to the commission or, failing
 1419 such succession, to the State of Georgia;

1420 (3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and
 1421 travel expenses. To avoid the appearance of undue influence on regulatory functions by
 1422 donors, no donations to any such nonprofit corporation from private sources shall be used
 1423 for direct employee costs of the commission;

1424 (4) Any such nonprofit corporation shall be subject to all laws relating to open meetings
 1425 and the inspection of public records;

1426 (5) The commission shall not be liable for the action or omission to act of any such
 1427 nonprofit corporation;

1428 (6) No debts, bonds, notes, or other obligations incurred by any such nonprofit
 1429 corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall
 1430 any act of any such nonprofit corporation constitute or result in the creation of an
 1431 indebtedness of the state. No holder or holders of any such bonds, notes, or other
 1432 obligations shall ever have the right to compel any exercise of the taxing power of the
 1433 state nor to enforce the payment thereof against the state; and

1434 (7) Any nonprofit corporation created pursuant to this Code section shall not acquire or
 1435 hold a fee simple interest in real property by any method, including but not limited to gift,
 1436 purchase, condemnation, devise, court order, and exchange.

1437 (c) Pursuant to this Code section, the commission may establish a nonprofit corporation
 1438 to be designated as the State Charter Schools Foundation to actively seek supplemental
 1439 revenue and in-kind goods and services to promote state charter schools and any other
 1440 purpose of the commission. Funds received by the foundation may be awarded through a
 1441 competitive grant process administered by the commission. The General Assembly may
 1442 appropriate funds for purposes of this foundation beginning in Fiscal Year 2015.

1443 (d) Any nonprofit corporation created pursuant to this Code section shall make public and
 1444 provide an annual report showing the identity of all donors and the amount each person or
 1445 entity donated as well as all expenditures or other disposal of money or property donated.
 1446 Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the
 1447 House of Representatives, and the chairpersons of the House Committee on Education and
 1448 the Senate Education and Youth Committee. Any such nonprofit corporation shall also
 1449 provide such persons with a copy of all corporate filings with the federal Internal Revenue
 1450 Service."

1451 **SECTION 48.**

1452 All laws and parts of laws in conflict with this Act are repealed.