

House Bill 908

By: Representatives Dickey of the 140<sup>th</sup>, Chandler of the 105<sup>th</sup>, Epps of the 144<sup>th</sup>, and Stephens of the 164<sup>th</sup>

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 provide that certain individuals who are 20  
3 years old or older may be eligible to enroll in a state charter school that provides instruction  
4 for over-age students; to provide for an exception to the maximum age of eligibility  
5 enrollment; to authorize the State Charter Schools Commission to approve state charter  
6 schools that serve an over-age population; to provide for funding for such state charter  
7 schools; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
11 secondary education, is amended by revising Code Section 20-2-150, relating to eligibility  
12 for enrollment, as follows:

13 "20-2-150.

14 (a) Except as otherwise provided by subsection (b) of this Code section, all children and  
15 youth who have attained the age of five years by September 1 shall be eligible for  
16 enrollment in the appropriate general education programs authorized in this part unless they  
17 attain the age of 20 by September 1, except as otherwise provided by subsection (b.1) of  
18 this Code section, or they have received high school diplomas or the equivalent. This shall  
19 specifically include students who have reenrolled after dropping out and who are married,  
20 parents, or pregnant. Special education students shall also be eligible for enrollment in  
21 appropriate education programs through age 21 or until they receive high school or special  
22 education diplomas or the equivalent; provided, however, that they were enrolled during  
23 the preceding school year and had an approved Individualized Education Program (IEP)  
24 which indicated that a successive year of enrollment was needed. Other students who have  
25 not yet attained age 21 by September 1 or received high school diplomas or the equivalent  
26 shall be eligible for enrollment in appropriate education programs, provided that they have

27 not dropped out of school for one quarter or more. Each local unit of administration shall  
28 have the authority to assign students who are married, parents, or pregnant or who have  
29 reenrolled after dropping out one quarter or more to programs of instruction within its  
30 regular daytime educational program, provided that a local unit of administration may  
31 develop and implement special programs of instruction limited to such students within the  
32 regular daytime educational program or, at the option of the student, in an alternative  
33 program beyond the regular daytime program; provided, further, that such programs of  
34 instruction are designed to enable such students to earn course credit toward receiving high  
35 school diplomas. These programs may include instruction in prenatal care and child care.  
36 Each local unit of administration shall have the authority to provide alternative programs  
37 beyond the regular daytime educational program. Unless otherwise provided by law, the  
38 State Board of Education shall have the authority to determine the eligibility of students  
39 for enrollment. It is declared to be the policy of this state that general and occupational  
40 education be integrated into a comprehensive educational program which will contribute  
41 to the total development of the individual.

42 (b) A child who was a legal resident of one or more other states or countries for a period  
43 of two years immediately prior to moving to this state and who was legally enrolled in a  
44 public kindergarten or first grade, or a kindergarten or first grade accredited by a state or  
45 regional association or the equivalent thereof, shall be eligible for enrollment in the  
46 appropriate general or special education programs authorized in this part if such child will  
47 attain the age of five for kindergarten or six for first grade by December 31 and is  
48 otherwise qualified.

49 (b.1) In the event that the State Charter Schools Commission approves a state charter  
50 school with a state-wide attendance zone for over-age students pursuant to paragraph (3)  
51 of subsection (b) of Code Section 20-2-2084, an individual residing in this state who is 20  
52 years old or older and who has not attained a high school diploma or a general educational  
53 development (GED) diploma shall be eligible for enrollment in such state charter school  
54 until he or she attains a high school diploma or a general educational development (GED)  
55 diploma or no longer resides in this state.

56 (c) All children enrolled for 20 school days or more in the public schools of this state prior  
57 to their seventh birthday shall become subject to all of the provisions of this article, the  
58 provisions of Code Sections 20-2-690 through 20-2-701, and the rules and regulations of  
59 the State Board of Education relating to compulsory school attendance even though they  
60 have not attained seven years of age.

61 (d) No child or youth shall be admitted to any public school of the state until the parent or  
62 guardian provides to the proper school authorities an official copy of that child's social  
63 security number which shall be incorporated into the official school records pertaining to

64 that child or youth. Each local unit of administration shall establish and implement a plan  
 65 for providing the public appropriate notice of the information required of every student  
 66 under its jurisdiction prior to the beginning of each school year. School authorities may  
 67 provisionally admit a child for whom an official social security number has not been  
 68 provided if the parent or guardian completes a postage-paid application for a social security  
 69 number at the time of enrollment. A parent or guardian who objects to the incorporation  
 70 of the social security number into the school records of a child may have the requirement  
 71 waived by signing a statement objecting to the requirement."

72 **SECTION 2.**

73 Said chapter is further amended by revising Code Section 20-2-2084, relating to petitions for  
 74 charter schools under the State Charter Schools Commission, as follows:

75 "20-2-2084.

76 (a) Petitions submitted to the commission shall be subject to rules and regulations  
 77 established pursuant to this article.

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

80 (1) Has a state-wide attendance zone; ~~or~~

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

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

88 (3) Serves an over-age population pursuant to subsection (b.1) of Code Section 20-2-150  
 89 and may have a state-wide attendance zone or a defined attendance zone.

90 (c)(1) For petitions for state charter schools with a state-wide attendance zone, the  
 91 petitioner shall submit such petition to the commission and concurrently to the local  
 92 board of education in which the school is proposed to be located for information  
 93 purposes; provided, however, that this shall not apply to a proposed state charter school  
 94 which will solely provide virtual instruction.

95 (2) For petitions for state charter schools with a defined attendance zone, the petitioner  
 96 shall concurrently submit such petition to the commission, to the local board of education  
 97 in which the school is proposed to be located, and to each local school system from which  
 98 the proposed school plans to enroll students. The commission shall not act on a petition  
 99 unless the local board of education in which the school is proposed to be located denies

100 the petition; provided, however, that such local board shall approve or deny the petition  
 101 no later than 90 days after its submission, as required pursuant to subsection (b) of Code  
 102 Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or  
 103 deny such petition by such local board, in violation of Code Section 20-2-2064, shall be  
 104 deemed a denial for purposes of this paragraph. A local board that has denied a petition  
 105 for a state charter school shall be permitted to present to the commission in writing or in  
 106 person the reasons for denial and the deficiencies in such petition resulting in such denial.

107 (3) For petitions for state charter schools that serve an over-age population, the petitioner  
 108 shall submit such petition to the commission and concurrently to the local board of  
 109 education in which the school is proposed to be located for information purposes.  
 110 Notwithstanding any law to the contrary, a state charter school serving an over-age  
 111 population shall not be subject to the provisions of Part 3 of Article 2 of Chapter 14 of  
 112 this title.

113 ~~(3)~~(4) The commission may take into consideration any support or opposition by the  
 114 local board of education or local boards of education on the start-up charter school  
 115 petition when it votes to approve or deny a corresponding state charter school petition.

116 (d) A state charter school shall:

117 (1) Seek highly qualified, properly trained teachers and other qualified personnel for  
 118 such schools; provided, however, that such schools shall give preference to hiring an  
 119 individual who is a citizen or national of the United States over another individual who  
 120 is not a citizen or national of the United States if the two individuals are equally qualified,  
 121 unless a teacher is a foreign exchange teacher; provided, however, that prior to hiring an  
 122 individual other than a citizen or national of the United States or a protected individual  
 123 as defined in 8 U.S.C. Section 1324b, the school shall receive approval by the  
 124 commission and demonstrate that qualified teachers and other personnel were sought but  
 125 not available in such area which warrants hiring an individual other than a citizen or  
 126 national of the United States or a protected individual as defined in 8 U.S.C. Section  
 127 1324b, unless a teacher is a foreign exchange teacher; provided, further, that the  
 128 commission and the state charter school shall not construe this paragraph in a manner in  
 129 violation of 8 U.S.C. Section 1324b or other provisions of law; and

130 (2) Give preference in contracting and purchasing of services and materials to businesses  
 131 incorporated under the laws of this state or qualified to do business within this state and  
 132 having a regularly maintained and established place of business within this state, so long  
 133 as such businesses are otherwise similarly situated and qualified as compared to a  
 134 business from out of state.

135 (e)(1) The members of the governing board for the state charter school shall meet the  
 136 following qualifications:

- 137 (A) Must be a United States citizen;
- 138 (B) Must be a resident of Georgia; and
- 139 (C) Must not be an employee of the state charter school.
- 140 (2) No member of the governing board of the state charter school shall:
- 141 (A) Act in his or her official capacity in any matter where he or she, his or her
- 142 immediate family member, or a business organization in which he or she has an interest
- 143 has a material financial interest that would reasonably be expected to impair his or her
- 144 objectivity or independence of judgment;
- 145 (B) Solicit or accept or knowingly allow his or her immediate family member or a
- 146 business organization in which he or she has an interest to solicit or accept any gift,
- 147 favor, loan, political contribution, service, promise of future employment, or other thing
- 148 of value based upon an understanding that the gift, favor, loan, contribution, service,
- 149 promise, or other thing of value was given or offered for the purpose of influencing that
- 150 board member in the discharge of his or her duties as a board member;
- 151 (C) Use, or knowingly allow to be used, his or her position or any information not
- 152 generally available to the members of the public which he or she receives or acquires
- 153 in the course of and by reason of his or her position for the purpose of securing
- 154 financial gain for himself or herself, his or her immediate family member, or any
- 155 business organization with which he or she is associated; or
- 156 (D) Be an officer or serve on the board of directors of any organization that sells goods
- 157 or services to that state charter school.
- 158 As used in this paragraph, the term 'immediate family member' means a spouse, child,
- 159 sibling, or parent or the spouse of a child, sibling, or parent.
- 160 (f) The members of the governing board of each state charter school shall participate in
- 161 initial training for boards of newly approved state charter schools and annual training
- 162 thereafter conducted or approved by the commission pursuant to paragraph (12) of
- 163 subsection (b) of Code Section 20-2-2083.
- 164 (f.1) The principal, or its equivalent, ~~for~~ of a state charter school shall not serve
- 165 simultaneously as the chief financial officer, or its equivalent, ~~for~~ of the state charter
- 166 school.
- 167 (g) An individual that works at a state charter school or an individual that has
- 168 administrative oversight at a state charter school shall not serve on the board of directors
- 169 of an organization that sells goods or services to such state charter school."

170 **SECTION 3.**

171 Said chapter is further amended in Code Section 20-2-2089, relating to funding for state

172 charter schools, by adding a new subsection to read as follows:

173 "(f) This Code section shall not apply to state charter schools that serve an over-age  
174 population pursuant to paragraph (3) of subsection (b) of Code Section 20-2-2084."

175 **SECTION 4.**

176 Said chapter is further amended in Article 31A, relating to state charter schools, by adding  
177 a new Code section to read as follows:

178 "20-2-2089.1.

179 The commission, in consultation with the State Board of Education, shall annually  
180 determine the amount of funds needed for the operation of any state charter schools that  
181 serve an over-age population pursuant to paragraph (3) of subsection (b) of Code Section  
182 20-2-2084. Such funds appropriated by the General Assembly shall be made available for  
183 the operation of such schools under rules and regulations prescribed by the State Board of  
184 Education."

185 **SECTION 5.**

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