

House Bill 764

By: Representatives Jones of the 25th, Jones of the 47th, Cantrell of the 22nd, and Stovall of the 74th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to
2 facilities grants for charter schools, purposes for which grants may be used, upkeep of charter
3 school property, and availability of unused facilities, so as to provide that unused facilities
4 owned by the state and under the control and management of the State Properties
5 Commission shall be made available for use by local charter schools and state charter
6 schools; to revise a definition; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to facilities
11 grants for charter schools, purposes for which grants may be used, upkeep of charter school
12 property, and availability of unused facilities, is amended by revising subsection (h) as
13 follows:

14 "(h)(1) As used in this subsection, the term 'unused facilities' means real property of a
15 local board of education or real property owned by the state and under the control and
16 management of the State Properties Commission, including educational facilities, as
17 defined in Code Section 20-2-260, which have not been used by the local board of
18 education or the state for the previous two years and which are not included in the local
19 school system's five-year educational facilities plan, any facilities plan of the state, or the
20 state board's state-wide needs assessment as provided for in paragraph (5) of
21 subsection (c) of Code Section 20-2-260.

22 (2) Each local board of education shall make its unused facilities available to local
23 charter schools. The terms of the use of such a facility by the charter school shall be
24 subject to negotiation between the board and the local charter school and shall be
25 memorialized as a separate agreement. A local charter school that is allowed to use such
26 a facility under such an agreement shall not sell or dispose of any interest in such

27 property without the written permission of the local board. A local charter school may
28 not be charged a rental or leasing fee for the existing facility or for property normally
29 used by the public school which became the local charter school. A local charter school
30 that receives property from a local board may not sell or dispose of such property without
31 the written permission of the local board.

32 (3) Prior to denying the use by a local charter school of an unused facility, the local
33 charter school shall have the right to a hearing before the local board of education in
34 accordance with Code Section 20-2-1160, including the right to appeal an adverse local
35 board decision.

36 (4) The State Properties Commission may make unused facilities available to local
37 charter schools and state charter schools. The terms of use of such facility by a charter
38 school shall be subject to negotiation between the State Properties Commission and the
39 charter school and shall be memorialized as a separate agreement. A charter school that
40 is allowed to use a state owned facility under such an agreement shall not sell or dispose
41 of any interest in such property without express written approval by the State Properties
42 Commission. A charter school may not be charged a rental or leasing fee for use of the
43 property."

44 **SECTION 2.**

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