

Senate Bill 501

By: Senators Thompson of the 5th, Rogers of the 21st, Williams of the 19th, Davis of the 22nd, Sims of the 12th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 repeal an article relating to the Georgia Charter Schools Commission; to establish the  
3 Georgia Charter Schools Advisory Commission; to provide for its membership, duties, and  
4 powers; to eliminate the Charter Advisory Committee; to require charter petitioners to  
5 concurrently submit a charter petition to the Georgia Charter Schools Advisory Commission;  
6 to authorize the State Board of Education to grant exclusive local charter school authority to  
7 a local board of education; to provide for conforming changes; to provide for related matters;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
12 repealing Article 31A of Chapter 2, relating to the Georgia Charter Schools Commission, and  
13 enacting a new article to read as follows:

14 style="text-align:center">"ARTICLE 31A

15 20-2-2080.

16 (a) The General Assembly finds that:

17 (1) Charter schools are a critical component of this state's efforts to provide efficient and  
18 high-quality schools within this state's uniform system of public education;

19 (2) Charter schools provide valuable educational options and learning opportunities  
20 while expanding the capacity of this state's system of public education and empowering  
21 parents with the ability to make choices that best fit the individual needs of their children;  
22 and

23 (3) The growth of charter schools in this state has contributed to enhanced student  
24 performance, greater efficiency, and increased parental satisfaction.

25 (b) It is the intent of the General Assembly that there be established a state-level  
26 commission whose primary focus is the development and support of charter schools in  
27 order to better meet the growing and diverse needs of the increasing number and array of  
28 charter schools in this state and to further ensure that charter schools of the highest  
29 academic quality are approved and supported in an efficient manner throughout the state.

30 20-2-2081.

31 As used in this article, the term:

32 (1) 'Commission' means the Georgia Charter Schools Advisory Commission established  
33 pursuant to Code Section 20-2-2082.

34 (2) 'Department' means the Department of Education.

35 The definitions set forth in Code Section 20-2-2062 shall be applicable to this article.

36 20-2-2082.

37 (a) The Georgia Charter Schools Advisory Commission is established as a state-level  
38 charter school recommending entity working in collaboration with the Department of  
39 Education. Start-up funds necessary to establish and operate the commission may be  
40 received by the State Board of Education in addition to such other funds as may be  
41 appropriated by the General Assembly. The department shall assist in securing federal and  
42 other institutional grant funds to establish the commission.

43 (b) The commission shall be appointed by the State Board of Education and shall be  
44 composed of a total of seven members and made up of three appointees recommended by  
45 the Governor, two appointees recommended by the President of the Senate, and two  
46 appointees recommended by the Speaker of the House of Representatives. The Governor,  
47 the President of the Senate, and the Speaker of the House of Representatives shall each  
48 recommend a list of no fewer than two nominees for each appointment to the commission.  
49 The appointments shall be made as soon as feasible but no later than September 1, 2012.  
50 Each member shall serve a term of two years; however, for the purpose of providing  
51 staggered terms, of the initial appointments, three members shall be appointed to one-year  
52 terms and four members shall be appointed to two-year terms as determined by the state  
53 board. Thereafter, each appointee shall serve a two-year term unless the state board, after  
54 review and upon recommendation by the initial recommending authority, extends the  
55 appointment. If a vacancy occurs on the commission, it shall be filled by the state board  
56 from a recommendation by the appropriate authority according to the procedure set forth  
57 in this subsection. The members of the commission shall annually vote to appoint a  
58 chairperson and a vice chairperson from among its membership. Each member of the  
59 commission shall hold a bachelor's degree or higher, and the commission should include

60 a group of diverse individuals representative of Georgia's school population who have  
61 experience in finance, administration, law, education, public school teaching, and school  
62 governance.

63 (c) The commission is encouraged to convene its first meeting no later than October 1,  
64 2012, and thereafter shall meet at least bimonthly at the call of the chairperson or upon the  
65 request of four members of the commission. Four members of the commission shall  
66 constitute a quorum.

67 (d) The commission shall determine the manner in which it reviews charter school  
68 petitions and may, in its discretion, use existing department personnel to conduct such  
69 review.

70 (e) The members of the commission shall not be compensated for their services on the  
71 commission but may be reimbursed for per diem and travel expenses in the same manner  
72 as provided for in Code Section 45-7-21.

73 20-2-2083.

74 (a) The commission shall have the power to:

75 (1) Recommend to local boards of education and the state board approval or denial of  
76 petitions for charter schools and renewal, nonrenewal, or termination of charter school  
77 petitions in accordance with State Board of Education rules and regulations. At its  
78 discretion, the commission may preliminarily recommend approval of a charter petition  
79 for a charter school before the petitioner has secured space, equipment, or personnel, if  
80 the petitioner indicates such preliminary recommendation is necessary for it to raise  
81 working capital; and

82 (2) Conduct facility and curriculum reviews of charter schools.

83 (b) The commission shall have the following duties:

84 (1) Review charter school petitions and assist in the establishment of charter schools  
85 throughout this state. The commission shall ensure that all charters for charter schools  
86 are consistent with state education goals;

87 (2) Develop, promote, and disseminate best practices for charter schools in order to  
88 ensure that high-quality charter schools are developed and encouraged. At a minimum,  
89 the best practices shall encourage the development and replication of academically and  
90 financially proven charter school programs;

91 (3) Develop, promote, and require high standards of accountability for charter schools.  
92 If a charter school falls short of performance measures included in the approved charter,  
93 the commission shall report such shortcomings to the Department of Education;

94 (4) Monitor and annually review and evaluate the academic and financial performance,  
95 including revenues and expenditures, of charter schools and hold the schools accountable

- 96 for their performance pursuant to the charter. The commission's duties to monitor the  
97 charter school shall not constitute the basis for a private cause of action;
- 98 (5) Report to each local school system the number of students who reside in such school  
99 system and are enrolled in a charter school;
- 100 (6) Direct charter schools and persons seeking to establish charter schools to sources of  
101 private funding and support;
- 102 (7) Actively seek, with the assistance of the department, supplemental revenue from  
103 federal grant funds, institutional grant funds, and philanthropic organizations. The  
104 commission may, through the State Board of Education, receive and expend gifts, grants,  
105 and donations of any kind from any public or private entity to carry out the purposes of  
106 this article;
- 107 (8) Review and recommend to the General Assembly any necessary revisions to statutory  
108 requirements regarding standards and accountability for charter schools;
- 109 (9) Act as liaison for charter schools in cooperating with local boards of education that  
110 may choose to allow charter schools to utilize excess space within school facilities;
- 111 (10) Collaborate with other public entities, such as municipalities, counties, consolidated  
112 governments, universities or colleges of the board of regents, technical institutions of the  
113 Technical College System of Georgia, and regional educational service agencies, for the  
114 purpose of providing the highest level of public education to all students, including, but  
115 not limited to, low-income, low-performing, gifted, and underserved student populations  
116 and students with special needs. Such collaborations shall:
- 117 (A) Allow universities and colleges of the board of regents and technical institutions  
118 of the Technical College System of Georgia that cosponsor charter schools to enable  
119 students attending a charter school to take college courses and receive high school and  
120 college credit for such courses; and
- 121 (B) Assist in determining the feasibility of establishing charter schools for students  
122 with disabilities;
- 123 (11) Assist charter schools in negotiating and contracting with local boards of education  
124 that choose to provide certain administrative or transportation services to the charter  
125 schools on a contractual basis;
- 126 (12) Provide training for members of charter school governing bodies after approval of  
127 the charter school. The training shall include, but not be limited to, best practices on  
128 charter school governance, the constitutional and statutory requirements relating to public  
129 records and meetings, and the requirements of applicable statutes and State Board of  
130 Education rules;
- 131 (13) Make recommendations to the state board regarding charter policy; and

132 (14) Make recommendations to the state board on the disbursement of planning grants  
 133 for charter systems, if funds are made available.

134 (c) The commission shall be authorized to enter into contracts, subject to available  
 135 funding, with one or more consultants to assist the commission in its duties and if directed  
 136 to do so by the commission, to do the following:

137 (1) Assist charter petitioners in the drafting of their petitions;

138 (2) Assist charter petitioners in the design and implementation of innovative education  
 139 programs and school level governance based on research, model programs, or other  
 140 credible information;

141 (3) Monitor and assist charter schools and charter systems; and

142 (4) Perform any other functions related to the support of the commission.

143 20-2-2084.

144 (a) A charter petitioner submitting a charter petition to a local board of education pursuant  
 145 to Code Section 20-2-2064 shall concurrently submit the charter petition to the  
 146 commission, unless the local board of education in which the proposed charter school is  
 147 to be located has obtained exclusive authority to authorize charter schools pursuant to this  
 148 Code section. The commission shall take into consideration any support or opposition by  
 149 the local board of education on a charter school petition when determining whether to  
 150 recommend a charter for approval, denial, renewal, nonrenewal, or termination.

151 (b) A local board of education may seek to obtain exclusive authority to authorize charter  
 152 schools within the geographic boundaries of the local school system by presenting to the  
 153 State Board of Education, on or before March 1 of the year prior to the school year for  
 154 which the exclusive authority is to apply, a written resolution adopted by the local board  
 155 of education indicating the intent to obtain exclusive authority to authorize charter schools.  
 156 The written resolution shall be accompanied by a written description addressing the  
 157 elements described in subsection (d) of this Code section. The local board of education  
 158 shall provide a complete copy of the resolution, including the description, to each charter  
 159 school authorized by the local board of education on or before the date it submits the  
 160 resolution to the state board.

161 (c) The local board of education shall monitor and oversee all charter schools authorized  
 162 by the local board of education pursuant to subsection (d) of this Code section.  
 163 Subsection (d) of this Code section shall not be construed to eliminate the ability of a local  
 164 board of education to authorize charter schools pursuant to Article 31 of this chapter.

165 (d) The State Board of Education shall grant to a local board of education exclusive  
 166 authority to authorize local charter schools within the geographic boundaries of the local  
 167 school system if the state board determines, after adequate notice, in a public hearing, and

168 after receiving input from any local charter school authorized by the local board of  
169 education, that the local board of education has provided fair and equitable treatment to its  
170 charter schools during the four years prior to the local board of education's submission of  
171 a resolution pursuant to subsection (b) of this Code section. The state board's review of the  
172 request shall, at a minimum, include consideration of the following:

173 (1) Compliance with the provisions of Article 31 of this chapter, as applicable;

174 (2) Compliance with full and accurate accounting practices and charges for central  
175 administrative overhead costs;

176 (3) The absence of a local board of education moratorium regarding charter schools or  
177 the absence of any district-wide charter school enrollment limits;

178 (4) Compliance with valid orders of the state board;

179 (5) The provision of assistance to local charter schools to meet their facilities needs by  
180 including those needs in local bond issues or otherwise providing available land and  
181 facilities that are comparable to those provided to other public school students in the same  
182 grade levels within the local school system;

183 (6) The distribution to charter schools authorized by the local board of education of a pro  
184 rata share of federal and state grants received by the local board of education, except for  
185 any grant received for a particular purpose which, by its express terms, is intended to  
186 benefit a student population not able to be served by, or a program not able to be offered  
187 at, a local charter school that did not receive a proportionate share of such grant proceeds;

188 (7) The provision of adequate staff and other resources to serve local charter schools  
189 authorized by the local board of education, which are provided by the local board of  
190 education at a cost to the local charter schools that does not exceed their actual cost to the  
191 local board of education;

192 (8) The lack of a policy or practice of imposing individual charter school enrollment  
193 limits, except as otherwise provided by law; and

194 (9) The provision of an adequate number of educational choice programs to serve  
195 students exercising their rights to transfer pursuant to the federal No Child Left Behind  
196 Act of 2001, Pub. L. No. 107-110, and a history of charter school approval that  
197 encourages chartering.

198 (e) The decision of the State Board of Education pursuant to subsection (d) of this Code  
199 section shall be a final action. If the local board of education feels itself aggrieved by the  
200 final decision of the state board, the local board shall have the right to obtain judicial  
201 review of the decision, on the record made before the state board, by filing an appeal in the  
202 superior court of the county wherein the local board of education is situated.

203 (f) For local boards of education that have no discernible history of authorizing charter  
204 schools, the State Board of Education shall not grant exclusive authority unless the local  
205 board demonstrates that no approvable application has come before such local board.

206 (g) A grant of exclusive authority by the State Board of Education shall continue so long  
207 as a local board of education continues to comply with this Code section and has presented  
208 a written resolution to the state board pursuant to subsection (b) of this Code section.

209 (h) Notwithstanding any other provision of this Code section to the contrary, a local board  
210 of education may permit the establishment of one or more state chartered special schools  
211 within the geographic boundaries of the local school system by adopting a favorable  
212 resolution and submitting the resolution to the State Board of Education. The resolution  
213 shall be effective until it is rescinded by resolution of the local board of education.

214 20-2-2085.

215 The commission, in conjunction with the Office of Charter School Compliance, shall  
216 provide maximum access to information regarding charter schools to all parents in this  
217 state. It shall maintain information systems, including, but not limited to, a user-friendly  
218 Internet website, that will provide information and data necessary for parents to make  
219 informed decisions. At a minimum, the commission shall provide parents with information  
220 on its accountability standards, links to charter schools throughout this state, and public  
221 education programs concerning charter schools.

222 20-2-2086.

223 Each year, the chairperson of the commission shall appear before the State Board of  
224 Education and submit a report regarding the academic performance and fiscal responsibility  
225 of all charter schools approved under this chapter.

226 20-2-2087.

227 The commission shall work in collaboration with the Department of Education on all  
228 matters related to charter authorization and shall be assigned to the department for  
229 administrative purposes only, as prescribed in Code Section 50-4-3.

230 20-2-2088.

231 The commission and the State Board of Education, as appropriate, shall adopt rules and  
232 regulations necessary to facilitate the implementation of this article."

233 **SECTION 2.**

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

237 "(3) 'Local unit of administration' shall have the same meaning as in Code Section  
 238 20-2-242 and shall also include state chartered special schools ~~and commission charter~~  
 239 ~~schools.~~"

240 **SECTION 3.**

241 Said title is further amended in Code Section 20-2-326, relating to definitions relative to the  
 242 "Building Resourceful Individuals to Develop Georgia's Economy Act," by revising  
 243 paragraph (2) as follows:

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

251 **SECTION 4.**

252 Said title is further amended in Code Section 20-2-2063.1, relating to the establishment of  
 253 the Charter Advisory Committee, as follows:

254 "20-2-2063.1.

255 ~~(a) The state board shall establish a Charter Advisory Committee to review charter~~  
 256 ~~petitions for compliance with established standards of the state board, to make~~  
 257 ~~recommendations to the state board on charter policy, and to provide recommendations to~~  
 258 ~~the state board regarding charter petitions. The committee shall be composed of nine~~  
 259 ~~members as follows:~~

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

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

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

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

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

- 267 ~~(c) The committee shall be authorized to request clarifying information from a charter~~  
 268 ~~petitioner and to receive input from interested parties on a charter petition.~~
- 269 ~~(d) The committee shall:~~
- 270 ~~(1) Make recommendations to the state board of approval or denial on each charter~~  
 271 ~~petition and shall specify the reasons for such recommendations;~~
- 272 ~~(2) Periodically make recommendations to the state board regarding charter policy; and~~
- 273 ~~(3) Make recommendations to the state board on the disbursement of planning grants for~~  
 274 ~~charter systems, if funds are made available.~~
- 275 ~~(e) The committee shall be authorized to enter into contracts, subject to available funding,~~  
 276 ~~with one or more consultants to assist the committee in its duties and if directed to do so~~  
 277 ~~by the committee, to do the following:~~
- 278 ~~(1) Assist charter petitioners in the drafting of their petitions;~~
- 279 ~~(2) Assist charter petitioners in the design and implementation of innovative education~~  
 280 ~~programs and school level governance based on research, model programs, or other~~  
 281 ~~credible information;~~
- 282 ~~(3) Monitor and assist charter schools and charter systems; and~~
- 283 ~~(4) Perform any other functions related to the support of the committee.~~
- 284 ~~(f) The committee shall work in cooperation with the Office of Charter School~~  
 285 ~~Compliance, as established pursuant to Code Section 20-2-2069.~~
- 286 ~~(g) The members of the committee shall receive no compensation for their services but~~  
 287 ~~shall be reimbursed for actual and necessary expenses incurred by them in carrying out~~  
 288 ~~their duties.~~
- 289 ~~(h) The committee shall be assigned to the Department of Education for administrative~~  
 290 ~~purposes only, as prescribed in Code Section 50-4-3. Reserved.~~

291 **SECTION 5.**

292 Said title is further amended in Code Section 20-2-2063.2, relating to charter systems, by  
 293 revising subsections (c) and (e) as follows:

294 "(c) Prior to approval or denial of a charter petition for a charter system, the state board  
 295 shall receive and give all due consideration to the recommendation and input from the  
 296 ~~Charter Advisory Committee established in Code Section 20-2-2063.1~~ Georgia Charter  
 297 Schools Advisory Commission established pursuant to Code Section 20-2-2082. The state  
 298 board shall approve the charter if the state board finds, after receiving input from the  
 299 ~~Charter Advisory Committee~~ Georgia Charter Schools Advisory Commission, that the  
 300 petition complies with the rules, regulations, policies, and procedures promulgated pursuant  
 301 to Code Section 20-2-2063 and the provisions of this title, is in the public interest, and  
 302 promotes school level governance."

303 "(e)(1) Subject to appropriations by the General Assembly or other available funding, the  
 304 state board, after receiving input and recommendations from the ~~Charter Advisory~~  
 305 ~~Committee~~ Georgia Charter Schools Advisory Commission, shall disburse planning  
 306 grants to local school systems which desire to become charter systems. Such grants will  
 307 be disbursed in accordance with any applicable guidelines, policies, and requirements  
 308 established by the state board.

309 (2) Subject to specific appropriations by the General Assembly for this purpose, the state  
 310 board shall disburse implementation grants in the amount of \$125,000.00 or such other  
 311 amount as determined by the state board to each charter system. The state board shall be  
 312 authorized to approve up to five petitions for charter systems during fiscal year 2008, and  
 313 may approve up to a maximum number of petitions in following years as may be  
 314 established pursuant to board rules and as subject to availability of funding for  
 315 implementation grants."

316 **SECTION 6.**

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

319 "(d) A charter petitioner submitting a charter petition to a local board shall concurrently  
 320 submit the charter petition to the Georgia Charter Schools Advisory Commission in  
 321 accordance with Code Section 20-2-2084 unless the local board has been granted exclusive  
 322 authority to authorize local charter schools pursuant to Code Section 20-2-2084.

323 (e) A local board shall approve a petition that complies with the rules, regulations,  
 324 policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the  
 325 provisions of this title and is in the public interest. If a local board denies a petition, it must  
 326 within 60 days specifically state the reasons for the denial, list all deficiencies with respect  
 327 to Code Section 20-2-2063, and provide a written statement of the denial to the charter  
 328 petitioner and the state board. Further, if a local board denies a petition which was  
 329 recommended for approval by the Georgia Charter Schools Advisory Commission, the  
 330 State Board of Education shall be authorized to take action to withhold all or any portion  
 331 of state funds from such local board in accordance with Code Section 20-2-243; provided,  
 332 however, that the maximum amount of state funds that the state board is authorized to  
 333 withhold shall not exceed an amount equivalent to the sum of state funds that would be  
 334 earned for each full-time equivalent student up to the maximum number of students that  
 335 the charter school proposes to enroll; and provided, further, that this shall not apply to a  
 336 local board of education which has been granted exclusive authority to authorize local  
 337 charter schools pursuant to Code Section 20-2-2084.

338 ~~(e)~~(f) The state board or the ~~Charter Advisory Committee~~ Georgia Charter Schools  
 339 Advisory Commission, if ~~directed~~ requested by the state board to do so, may mediate  
 340 between the local board and a charter petitioner whose petition was denied to assist in  
 341 resolving issues which led to denial of the petition by the local board."

342 **SECTION 7.**

343 Said title is further amended in Code Section 20-2-2064.1, relating to review of charter  
 344 petitions by the State Board of Education, by revising as follows:

345 "20-2-2064.1.

346 (a) Prior to approval or denial of a charter petition under this Code section, the state board  
 347 shall receive and give all due consideration to the recommendation and input from the  
 348 ~~Charter Advisory Committee established in Code Section 20-2-2063.1~~ Georgia Charter  
 349 Schools Advisory Commission established pursuant to Code Section 20-2-2082.

350 (b) The state board shall approve the charter of a charter petitioner if the petition has been  
 351 approved by the local board of the local school system in which the proposed charter  
 352 school will be located and the state board finds, after receiving input from the ~~Charter~~  
 353 ~~Advisory Committee~~ Georgia Charter Schools Advisory Commission, that the petition  
 354 complies with the rules, regulations, policies, and procedures promulgated in accordance  
 355 with Code Section 20-2-2063 and the provisions of this title and is in the public interest.  
 356 If the state board denies a petition, it must within 60 days specifically state the reasons for  
 357 the denial, list all deficiencies with regard to Code Section 20-2-2063, and provide a  
 358 written statement of the denial to the charter petitioner and to the local board.

359 (c) No application for a state chartered special school may be made to the state board by  
 360 a petitioner for a conversion charter school that has been denied by a local board. Upon  
 361 denial of a petition for a start-up charter school by a local board and upon application to  
 362 the state board by the petitioner, the state board shall approve the charter of a start-up  
 363 charter petitioner for a state chartered special school if the state board finds, after receiving  
 364 input from the ~~Charter Advisory Committee~~ Georgia Charter Schools Advisory  
 365 Commission, that such petition meets the requirements set forth in Code Section 20-2-2063  
 366 and the provisions of this title, and is in the public interest."

367 **SECTION 8.**

368 Said title is further amended in Code Section 20-2-2068.2, relating to facilities fund for  
 369 charter schools, by revising subsections (a), (b), (c), and (f) as follows:

370 "(a) From moneys specifically appropriated for such purpose, the state board shall create  
 371 a facilities fund for local charter schools; and state chartered special schools; ~~and~~

372 ~~commission charter schools as defined in Code Section 20-2-2081~~ for the purpose of  
 373 establishing a per pupil, need based facilities aid program.

374 (b) A charter school ~~or commission charter school~~ may receive moneys from the facilities  
 375 fund if the charter school ~~or commission charter school~~ has received final approval from  
 376 ~~the Georgia Charter Schools Commission or from~~ the state board for operation during that  
 377 fiscal year.

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

380 (1) Purchase of real property;

381 (2) Construction of school facilities, including initial and additional equipment and  
 382 furnishings;

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

384 (4) Purchase of vehicles to transport students to and from the charter school ~~or~~  
 385 ~~commission charter school~~; and

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

388 "(f)(1) Prior to releasing moneys from the facilities fund, the Department of Education  
 389 shall ensure that the governing board of the local charter school and the local board shall  
 390 enter into a written agreement that includes a provision for the reversion of any  
 391 unencumbered funds and all equipment and property purchased with public education  
 392 funds to the ownership of the local board in the event the local charter school terminates  
 393 operations.

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

400 ~~(3) Prior to releasing moneys from the facilities fund, the Department of Education shall~~  
 401 ~~ensure that the governing board of the commission charter school and the Georgia~~  
 402 ~~Charter Schools Commission shall enter into a written agreement that includes a~~  
 403 ~~provision for the reversion of any unencumbered funds and all equipment and property~~  
 404 ~~purchased with public education funds to the ownership of the Georgia Charter Schools~~  
 405 ~~Commission in the event the commission charter school terminates operations."~~

406 **SECTION 9.**

407 Said title is further amended in Code Section 20-2-2069, relating to the Office of Charter  
408 School Compliance, by revising as follows:

409 "20-2-2069.

410 There is established within the Department of Education an Office of Charter School  
411 Compliance, the responsibilities of which shall be to:

412 (1) Prepare charter school and charter system guidelines to be approved by the state  
413 board;

414 (2) Distribute charter school and charter system petition information to inquiring parties;

415 (3) Process all charter school and charter system petitions and coordinate with the  
416 ~~Charter Advisory Committee established pursuant to Code Section 20-2-2063.~~ Georgia  
417 Charter Schools Advisory Commission established pursuant to Code Section 20-2-2082

418 to facilitate its review and recommendations to local boards of education and the state  
419 board;

420 (4) Administer any state or federal charter school implementation grant program;

421 (5) Contract with an independent party to evaluate the performance of charter schools  
422 and charter systems, as such performance relates to fulfilling the terms of their charters;  
423 and

424 (6) Compile information necessary to produce the annual report required by Code  
425 Section 20-2-2070."

426 **SECTION 10.**

427 Said title is further amended by revising paragraphs (4) and (5) of subsection (b) of Code  
428 Section 20-4-37, relating to the Office of College and Career Transitions, as follows:

429 "(4) 'Charter school' shall have the same meaning as in paragraph (3) of Code Section  
430 20-2-2062 ~~and as in paragraph (2) of Code Section 20-2-2081.~~

431 (5) 'College and career academy' means a specialized charter school established by a  
432 partnership which demonstrates a collaboration between business, industry, and  
433 community stakeholders to advance workforce development between one or more local  
434 boards of education, a private individual, a private organization, or a state or local public  
435 entity in cooperation with one or more postsecondary institutions and approved by the  
436 State Board of Education in accordance with Article 31 of Chapter 2 of this title ~~or the~~  
437 ~~Georgia Charter Schools Commission in accordance with Article 31A of Chapter 2 of this~~  
438 ~~title."~~

439 **SECTION 11.**

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