

The House Committee on Education offers the following substitute to HB 897:

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 provisions
5 relating to professional and staff development stipends; to revise provisions relating to
6 contracts by the State School Superintendent; to revise a process for student requests for
7 waivers and variances of state requirements; to provide that capital outlay includes computer
8 equipment and software; to revise provisions relating to state required assessments; to revise
9 provisions relating to the honors program; to revise provisions relating to courses taken
10 through the Georgia Virtual School; to revise provisions relating to virtual instruction
11 opportunities provided by local school systems; to repeal an obsolete provision relating to
12 acquiring digital learning; to revise a provision relating to home study reporting; to revise
13 provisions relating to nonrenewal of a teacher's contract; to revise provisions relating to
14 health insurance for public school teachers and employees; to revise provisions relating to
15 appeals to the State Board of Education; to provide for charter authorizer accountability; to
16 provide for an expedited charter petition review process for high-performing charter schools;
17 to provide for timelines for approving or denying charter petitions; to revise provisions
18 relating to funding for a charter school in its first year of operation; to provide for use by
19 charter schools of unused school facilities; to provide for enrollment preferences for charter
20 schools; to revise provisions relating to funding for state charter schools; to authorize the
21 State Charter Schools Commission to establish nonprofit foundations; to provide for related
22 matters; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by repealing subsection (d) of Code Section 20-2-51, relating to election of local board of education members, persons ineligible to be members or superintendent, ineligibility for local boards of education, and ineligibility for other elective offices, and designating said subsection as reserved.

SECTION 2.

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

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

SECTION 3.

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

"20-2-140.

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

(b) The State Board of Education, working with the Board of Regents of the University System of Georgia and the State Board of the Technical College System of Georgia, shall

establish college and career readiness ~~competency~~ standards in reading, writing, and mathematics aligned with the ~~core curriculum content standards~~ adopted by the state board pursuant to subsection (a) of this Code section with the level of performance necessary to meet college-readiness standards in the state's technical colleges, community colleges, state colleges, and universities and in other advanced training programs.

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

SECTION 4.

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

"20-2-140.1.

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

SECTION 5.

Reserved.

SECTION 6.

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

"(a)(1) All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner and at the grade level prescribed by the State Board of Education ~~in its quality core curriculum~~:

(A) A course of study in the background, history, and development of the federal and state governments and a study of Georgia county and municipal governments; and

(B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study

of American institutions and ideals which shall include a study of the Pledge of Allegiance to the flag of the United States and the Georgia flag in addition to other institutions and ideals.

(2) No student shall be eligible to receive a diploma from a high school unless such student has successfully completed the courses in history and government provided for by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For students moving to Georgia and unable to take the course or courses available to fulfill these requirements in the grade level in which such course or courses are ordinarily offered, the State Board of Education may develop alternative methods, which may include but shall not be limited to an on-line course of study, for such students to learn about and demonstrate an adequate understanding of federal or Georgia history and government.

(3) Disabled students who are otherwise eligible for a special education diploma pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if they have not successfully completed either or both of these courses; provided, however, that their Individualized Education Programs have not specified that the disabled students must enroll in and successfully complete both of these courses.

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year in which such course or courses are ordinarily offered. The State Board of Education is authorized to provide for exemptions to the required course of study for such students and for students whose parent or parents serve in the armed forces of the United States."

SECTION 7.

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

"(a) The primary purpose for the general and career education programs is to provide the children and youth of Georgia with a quality opportunity to master ~~student competencies~~ content standards adopted by the State Board of Education ~~through instruction which is based upon the uniformly sequenced core curriculum.~~"

"(2) It is the policy of this state that the purpose of the primary grades program shall be mastery by enrolled students of the essential basic skills and knowledge which will enable them to achieve more advanced skills and knowledge offered at the higher grade levels. For purposes of funding under this article, the primary grades program shall include grades one, two, and three. To be eligible for enrollment in the first grade of a state supported primary grades program, a child must attain the age of six by September

1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State Board of Education ~~shall~~ may adopt an instrument or instruments, procedures, and policies necessary to assess the first grade readiness of children enrolled in Georgia's public school kindergarten programs pursuant to Code Section 20-2-281. Readiness information obtained by the instrument or instruments adopted by the state board ~~shall~~ may be used by local school systems in concert with teacher recommendations and other relevant information to make appropriate student grade placement decisions. The Department of Education ~~shall~~ may develop guidelines for utilization of the instrument or instruments in grade placement decisions and ~~shall~~ provide such guidelines to local school systems. The guidelines ~~shall~~ may include information pertinent to consideration of the placement of students who have been identified as being disabled or limited-English-proficient. Whenever the decision is made not to promote a child to the first grade, the local school system ~~shall~~ may document the reasons for the decision not to promote, according to guidelines established by the board. The State School Superintendent ~~shall~~ may annually provide a report summarizing the results of the readiness of first grade Georgia public school kindergarten children. No student shall remain in kindergarten for more than two years;"

SECTION 8.

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

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

"(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education programs shall be based upon a full-time equivalent program count that equals 2.5 percent of the sum of the full-time equivalent program count of the ~~middle grades program, the middle school program as defined in Code Section 20-2-290,~~ the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). For the 2002-2003 school year and thereafter, the amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of

students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle grades program, the middle school program as defined in Code Section 20-2-290,~~ the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12."

SECTION 9.

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

"20-2-159.1.

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

- (1) Agriculture, food, and natural resources;
- (2) Architecture and construction;
- (3) Arts, audio-video technology, and communications;
- (4) Business, management, and administration;
- (5) Education and training;
- (6) Finance;
- (7) Health science;
- (8) Hospitality and tourism;
- (9) Human services;
- (10) Information technology;
- (11) Law, public safety, and security;
- (12) Manufacturing;
- (13) Government and public administration;
- (14) Marketing, sales, and service;
- (15) Science, technology, engineering, and mathematics; and
- (16) Transportation, distribution, and logistics.

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

SECTION 10.

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

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

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

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

SECTION 11.

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

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

SECTION 12.

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

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the

school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career, technical, and agricultural education laboratory program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more ~~student competencies~~ content standards as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 13.

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

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

271	(1) Kindergarten program	1.6508
272		weight and
273		1 to 15
274		ratio
275	(2) Kindergarten early intervention program	2.0348
276		weight and
277		1 to 11
278		ratio
279	(3) Primary grades program (1-3)	1.2849
280		weight and
281		1 to 17
282		ratio
283	(4) Primary grades early intervention program (1-3)	1.7931
284		weight and
285		1 to 11
286		ratio
287	(5) Upper elementary grades program (4-5)	1.0355
288		weight and
289		1 to 23
290		ratio
291	(6) Upper elementary grades early intervention program (4-5)	1.7867
292		weight and
293		1 to 11
294		ratio
295	(7) Middle grades program (6-8)	1.0186
296		weight and
297		1 to 23
298		ratio

299	(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
300		weight and
301		1 to 20
302		ratio
303	(9)(8) High school general education program (9-12)	1.0000
304		weight and
305		1 to 23
306		ratio
307	(10)(9) Career, technical, and agricultural education	1.1916
308	laboratory program (9-12)	weight and
309		1 to 20
310		ratio
311	(11)(10) Program for persons with disabilities:	
312	Category I	2.3798
313		weight and
314		1 to 8
315		ratio
316	(12)(11) Program for persons with disabilities:	
317	Category II	2.7883
318		weight and
319		1 to 6.5
320		ratio
321	(13)(12) Program for persons with disabilities:	
322	Category III	3.5493
323		weight and
324		1 to 5
325		ratio

326	(14) <u>(13)</u> Program for persons with disabilities:	
327	Category IV	5.7509
328		weight and
329		1 to 3
330		ratio
331	(15) <u>(14)</u> Program for persons with disabilities:	
332	Category V	2.4511
333		weight and
334		1 to 8
335		ratio
336	(16) <u>(15)</u> Program for intellectually gifted students:	
337	Category VI	1.6589
338		weight and
339		1 to 12
340		ratio
341	(17) <u>(16)</u> Remedial education program	1.3087
342		weight and
343		1 to 15
344		ratio
345	(18) <u>(17)</u> Alternative education program	1.4711
346		weight and
347		1 to 15
348		ratio
349	(19) <u>(18)</u> English for speakers of other languages (ESOL) program	2.5049
350		weight and
351		1 to 7
352		ratio
353	(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the	
354	requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school	
355	shall have the funding weight included in paragraph (8) of subsection (b) of this Code	

356 ~~section for the middle school program, regardless of whether such middle school meets the~~
357 ~~requirements of Code Section 20-2-290."~~

358 **SECTION 14.**

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

361 "20-2-181.

362 The calculation of all program weights shall reflect a base size local school system of 3,300
363 full-time equivalent students. The calculation of program weights for the kindergarten
364 program, the kindergarten early intervention program, the primary grades (1-3) early
365 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)
366 early intervention program, and the upper elementary grades (4-5) program shall reflect a
367 base school size of 450 full-time equivalent students. The calculation of program weights
368 for the ~~middle grades (6-8) program,~~ the middle school (6-8) program, the special
369 education programs, the remedial education program, and the English for speakers of other
370 languages program shall reflect a base school size of 624 full-time equivalent students.
371 The calculation of the program weights for the high school general education program and
372 the high school career, technical, and agricultural education laboratory program shall
373 reflect a base school size of 970 full-time equivalent students. The calculation of program
374 weights for the alternative education program shall reflect a base school size of 100
375 full-time equivalent students, except that the calculations for secretaries and media
376 personnel shall reflect a base school size of 624 full-time equivalent students."

377 **SECTION 15.**

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

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

386 (c) The program weights for the kindergarten, kindergarten early intervention, primary,
387 primary grades early intervention, upper elementary, upper elementary grades early
388 intervention, ~~middle grades,~~ middle school, and alternative education programs and the
389 program weights for the high school programs authorized pursuant to paragraph (4) of
390 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 paragraph shall be the same as the maximum individual class size for each such program, and local boards of education shall be considered in compliance with this paragraph so long as the system average maximum class size is not exceeded; provided, however, that if the State Board of Education approves a blanket waiver or variance pursuant to subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be the system average maximum class sizes for purposes of this paragraph."

SECTION 16.

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

"(a) 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 remedial 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 instructors needed to provide 20 additional days of instruction for 10 percent of the full-time equivalent count of the respective program. Such funds shall be used for addressing the academic needs of low-performing students with programs including, but not limited to, instructional opportunities for students beyond the regular school day, Saturday classes, intersession classes, summer school classes, and additional instructional programs during the regular school day. Following the midterm adjustment, the state board shall issue allotment sheets for each local school system. Each local school system shall spend 100 percent of the funds designated for additional days of instruction for such costs at the system level, which may include transportation costs incurred for transporting students who are attending additional classes funded by these designated funds."

SECTION 17.

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

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

SECTION 18.

Reserved.

SECTION 19.

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

SECTION 20.

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

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

SECTION 21.

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

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

SECTION 22.

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

"20-2-244.1.

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

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

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

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

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

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

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

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

(2) The type of action requested;

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

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

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

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

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

(g) An aggregated report of all waivers granted pursuant to this Code section shall be prepared and shall contain a description of the waiver granted, including a detail of the variance from any rule or regulation, but shall not include any identifying information of the student.

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

SECTION 23.

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

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

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

SECTION 24.

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

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

SECTION 25.

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

"20-2-281.

(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, ~~with state funding,~~ nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such assessments. The State Board of Education shall review, revise, and upgrade the quality core curriculum content standards. Following the adoption of ~~this revised curriculum~~ such content standards, the State Board of Education shall contract for development of criterion-referenced competency tests to measure the quality core curriculum content standards. Such tests in English and language arts/reading and, mathematics,~~and reading~~ shall be administered annually to students in grades three through eight. These tests may contain features that allow for comparability to other states with whom establishing such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. ~~A curriculum based assessment shall be administered in grade 11 for graduation purposes.~~ Writing assessments shall be administered to students ~~in grades three, five, eight, and 11~~ in grades designated by the State Board of Education as part of the English language arts/reading assessments. ~~The writing assessments shall provide students and their parents with performance outcome measures resulting from the administration of such tests.~~

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

(b.1) The State Board of Education shall notify local school systems and individual schools of the results of the assessment instruments administered under this Code section at the earliest possible date determined by the state board, but not later than the beginning of the subsequent school year. In the event the state board is unable to provide timely results in the first year of implementation of a substantially new assessment instrument, the provisions in paragraph (3) of subsection (b) of Code Section 20-2-283 shall not apply.

(c) The State Board of Education shall have the authority to condition the awarding of a high school diploma to a student upon achievement of satisfactory scores on instruments or tests adopted and administered by the state board pursuant to subsection (a) of this Code section. The state board is authorized and directed to adopt regulations providing that any disabled child, as defined by the provisions of this article, shall be afforded opportunities to take any test adopted by the state board as a condition for the awarding of a high school diploma. Said regulations shall further provide for appropriate accommodations in the administration of such test. Said regulations shall further provide for the awarding of a special education diploma to any disabled student who is lawfully assigned to a special education program and who does not achieve a passing score on said test or who has not completed all of the requirements for a high school diploma but who has nevertheless completed his or her Individualized Education Program.

(d)(1) The State Board of Education shall develop or adopt alternate assessments to be administered to ~~each student receiving special education services pursuant to Code Section 20-2-152 who does not receive instruction in the essential knowledge and skills identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~

597 those students with significant cognitive disabilities, receiving special education services
598 pursuant to Code Section 20-2-152, who cannot access the state adopted content
599 standards without appropriate accommodations to those standards and for whom the
600 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code
601 section, even with allowable ~~modifications~~ accommodations, would not provide an
602 appropriate measure of student achievement, as determined by the student's
603 Individualized Education Program team. ~~A student's Individualized Education Program~~
604 ~~may serve as an alternate assessment for that student.~~

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

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

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

618 (g) Under rules adopted by the State Board of Education, the Department of Education
619 shall, subject to appropriations by the General Assembly, release some or all of the
620 questions and answers to each criterion-referenced competency test administered under
621 subsection (a) of this Code section and each end-of-course assessment administered under
622 subsection (e) of this Code section after the last time the instrument is administered for a
623 school year.

624 (h) The State Board of Education, through the Department of Education, shall administer
625 the end-of-course assessments for core subject areas as defined by state board policy. The
626 state board shall promulgate a schedule for the development and administration of all
627 end-of-course tests. By the 2015-2016 school year, the State Board of Education shall
628 make all end-of-course assessments available online and shall establish rules and
629 regulations to maximize the number of students and school systems utilizing such online
630 assessments.

631 (i) The Department of Education shall develop study guides for the criterion-referenced
632 tests and end-of-course assessments administered pursuant to subsections (a) and (f) of this
633 Code section. Each school system shall distribute the study guides to students who do not

perform satisfactorily on one or more parts of an assessment instrument administered under this Code section and to the parents or guardians of such students.

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

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

(k)(1) In addition to the assessment instruments adopted by the State Board of Education and administered by the Department of Education, a local school system may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Such locally adopted assessment instruments may not replace the state's adopted assessment instruments for purposes of state accountability programs, except as otherwise provided in paragraph (2) of this subsection. A local school system shall be responsible for all costs and expenses incurred for locally adopted assessment instruments. Students with Individualized Education Programs must be included in the locally adopted assessments or provided an alternate assessment in accordance with the federal Individuals with Disabilities Education Act.

~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal Year 2003 to local boards of education exempting said boards from the administration of the state criterion-referenced competency tests at any or all of the subject areas and grade levels for which the local board of education implements a locally developed criterion-referenced competency test or tests based on the Quality Core Curriculum which increases the expectations for student achievement beyond that of the applicable state criterion-referenced competency test or tests and meets all other requirements of this Code section, including reliability and validity requirements, with the exception of subsection (g) of this Code section. Local boards of education with such waivers shall submit to the State Board of Education school and local school system score reports of the locally developed criterion-referenced competency tests.~~

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

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

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

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

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

(q) The State Board of Education shall consider the passage by a student of an industry certification examination or a state licensure examination which is approved by the State Board of Education when considering whether to grant such student a variance for one or more portions of the high school graduation test required by the State Board of Education pursuant to subsection (a) of this Code section in order to obtain a Georgia high school diploma; provided, however, that the state board shall not grant a variance to a student unless the student has attempted and failed to pass the relevant portion of the high school graduation test at least four times."

SECTION 26.

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

"20-2-290.

(a)~~(1)~~ The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof, shall qualify for the middle school program for students; provided, however, that such schools also meet all other provisions of this Code section and criteria and standards prescribed by the State Board of Education. Further, two or more adjacent local school~~

~~systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.~~

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

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

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

~~(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and~~

~~(3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.~~

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

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

SECTION 27.

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

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

SECTION 28.

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

"20-2-314.

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

SECTION 29.

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

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

SECTION 30.

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

"20-2-319.1.

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

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

(b)(1) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. The department shall use funds from ~~this~~ such grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs associated with the maintenance of the Georgia Virtual School, such as new course development, credit recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and costs for tuition, materials, and fees for courses taken through the Georgia Virtual School by students in home study programs or private schools in this state.

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

813 (3) Students in home study programs and private schools in this state may enroll in
814 courses through the Georgia Virtual School at no cost, if appropriations are provided for
815 such purpose in accordance with paragraph (1) of this subsection. If appropriations are
816 not provided or if appropriations are provided but have been expended for such purpose,
817 students in home study programs and private schools in this state may enroll in courses
818 through the Georgia Virtual School based on availability of slots; provided, however, that
819 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per
820 semester course.
821 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2
822 of Chapter 14 of this title."

823 **SECTION 31.**

824 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
825 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
826 follows:

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

829 **SECTION 32.**

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

833 "20-2-319.4.

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

843 (1) Full-time virtual instruction for students enrolled in grades three through 12; and

844 (2) Part-time virtual instruction for students enrolled in grades three through 12.

845 A virtual instruction program conducted by a local school system shall include specific
846 ~~provision~~ provisions for at least two full-time options and one part-time option for students

enrolled in dropout prevention and academic intervention programs or Department of Juvenile Justice education programs under Code Section 20-2-133.

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

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

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

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

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

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

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

~~(1) Possesses prior, successful experience offering online courses to elementary, middle, or high school students, as demonstrated through quantified student performance improvements for each subject area and grade level provided for consideration as instructional program options;~~

~~(2) Assures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level intended for provision within local school system contracts, including:~~

~~(A) Courses and programs that meet the nationally recognized standards for K-12 online learning;~~

~~(B) Instructional content and services that align with and measure student attainment of proficiency in the state-approved curriculum; and~~

~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate; and~~

~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of Education, for the general public, as part of its application as a provider, and in all contracts negotiated pursuant to this Code section:~~

~~(A) Information and data about each full-time and part-time program regarding its curriculum;~~

~~(B) School policies and procedures;~~

~~(C) Certification status of all administrative and instructional personnel;~~

~~(D) Teacher-student ratios;~~

~~(E) Student completion and promotion rates; and~~

~~(F) Student, educator, and school performance accountability outcomes.~~

~~(d) An approved provider shall retain its approved status for a period of five years after the date of the department's approval pursuant to subsection (c) of this Code section as long as the provider continues to comply with all requirements of this Code section; provided, however, that each provider approved by the department for the 2013-2014 school year shall reapply for approval to provide a part-time program for students in grades three through 12.~~

~~(e)(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code section with an approved a provider shall at a minimum set forth a detailed curriculum plan that illustrates how students will be provided services for, and be measured for attainment of, proficiency in state curriculum requirements for content standards for each grade level and subject."~~

SECTION 33.

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

SECTION 34.

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

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

SECTION 35.

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

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

SECTION 36.

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

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

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

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, the local school system in which the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

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

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

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

(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of attendance by the Department of Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance;

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

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

SECTION 37.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating to contributions by employees, state, and local employers and withholding or deducting employees' contributions for health insurance for public school teachers, as follows:

"(b) As the local employer's share, the local employer shall contribute to the health insurance fund such portion of the cost of such benefits as may be established by the Governor and the board and, in addition thereto, an amount to be established by the board to defray the cost of administration. The board shall determine whether such portion shall be determined based upon a percentage of the total outlay for the salaries of teachers employed by the local employer or determined on an amount per employee electing

991 coverage under the plan based on the coverage elected, in accordance with the
 992 appropriation of funds. If a local employer fails to remit the employer's share as calculated
 993 by the commissioner, as provided in this Code section, it shall be the duty of the
 994 commissioner to notify the State Board of Education of such failure and it shall be the duty
 995 of the State Board of Education to, with reasonable promptness, withhold from the
 996 employer which has failed to comply ~~all appropriations allotted to such employer until such~~
 997 ~~employer has fully complied with the provisions of this Code section by making remittance~~
 998 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully
 999 satisfy the outstanding obligation of the local employer to the health insurance fund. Such
 1000 withheld funds shall be promptly transmitted by the state board to the Department of
 1001 Community Health."

1002 SECTION 38.

1003 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating
 1004 to withholding or deducting employees' contributions for health insurance for public school
 1005 employees, as follows:

1006 "(b) The Department of Education and local school systems shall contribute to the health
 1007 insurance fund such portion of the costs of such benefits as may be established by the board
 1008 to maintain the employee contributions consistent with other health insurance plans
 1009 administered by the board. In the event that the commissioner shall determine that a local
 1010 employer has failed to contribute the full amount of such portion, as calculated by the
 1011 commissioner, it shall be the duty of the commissioner to notify the State Board of
 1012 Education of such failure and it shall be the duty of the State Board of Education to, with
 1013 reasonable promptness, withhold from the employer which has failed to comply ~~all~~
 1014 ~~appropriations allotted to such employer until such employer has fully complied with the~~
 1015 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state
 1016 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the
 1017 local employer to the health insurance fund. Such withheld funds shall be promptly
 1018 transmitted by the state board to the Department of Community Health."

1019 SECTION 39.

1020 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating
 1021 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth
 1022 consecutive school year, as follows:

1023 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school
 1024 year from the same local board of education may be demoted or the teacher's contract

may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940.

(2) In order to demote or fail to renew the contract of a teacher who accepts a school year contract for the fourth or subsequent consecutive school year from the same local board of education, the teacher must be given written notice of the intention to demote or not renew the contract of the teacher. Such notice shall be given by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice shall contain a conspicuous statement in substantially the following form:

You have the right to certain procedural safeguards before you can be demoted or dismissed. These safeguards include the right to notice of the reasons for the action against you and the right to a hearing. If you desire these rights you must send to the school superintendent by certified mail or statutory overnight delivery a statement that you wish to have a hearing; and such statement must be mailed to the school superintendent within 20 days after this notice was mailed to you. Your rights are governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.

A teacher who is so notified that he or she is to be demoted or that his or her contract will not be renewed has the right to the procedures set forth in subsections (b) through (f) of Code Section 20-2-940 before the intended action is taken. A teacher who has the right to these procedures must serve written notice on the superintendent of the local board employing the teacher within 20 days of the day the notice of the intended action is served that he or she requests a hearing. In order to be effective, such written notice that the teacher requests implementation of such procedures must be served by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Within 14 days of service of the request to implement the procedures, the local board must furnish the teacher a notice that complies with the requirements of subsection (b) of Code Section 20-2-940.

(3) A teacher is deemed to have accepted a fourth consecutive school year contract if, while the teacher is serving under the third consecutive school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school year that he or she does not accept the fourth consecutive school year contract.

(4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection who is subsequently employed by another local board of education and who accepts a

second consecutive school year contract from the local board at which the teacher is subsequently employed may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940. The provisions set forth in paragraph (2) of this subsection shall likewise apply to such a teacher.

(5) A teacher is deemed to have accepted a second consecutive school year contract if, while the teacher is serving under the first school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the first school year that he or she does not accept the second consecutive school year contract.

(6) Local boards shall make contract offers available to teachers for a minimum ten-day review period. A teacher accepts the contract by signing and returning it any time during the ten-day period.

(7)(A) Professional certificated personnel employed by a county or independent local school system that becomes consolidated with or merged into another county or independent local school system as provided in Article 8 of this chapter or otherwise shall retain their employment, except as provided in subparagraph (B) of this paragraph, in the newly created, or surviving, school system. Said professional certificated personnel shall retain and carry over all the rights already accrued and earned in the professional certificated personnel's prior school system and as set forth in this paragraph.

(B) Any reductions in staff due to loss of students or cancellation of programs in the newly created, or surviving, school system necessitated by the consolidation or merger shall be made first in preference of retaining professional certificated personnel on the basis of uniformly applied criteria set forth in local school board policies of the newly created, or surviving, school system."

SECTION 40.

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

"(b) Any party aggrieved by a decision of the local board rendered on a contested issue after a hearing shall have the right to appeal therefrom to the State Board of Education. The appeal shall be in writing and shall distinctly set forth the question in dispute, the decision of the local board, and a concise statement of the reasons why the decision is complained of; and the party taking the appeal shall also file with the appeal a transcript

1098 of testimony certified as true and correct by the local school superintendent. The appeal
1099 shall be filed with the superintendent within 30 days of the decision of the local board, and
1100 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
1101 appeal together with the transcript of evidence and proceedings, the decision of the local
1102 board, and other matters in the file relating to the appeal to the state board. The state board
1103 shall adopt regulations governing the procedure for hearings before the local board and
1104 proceedings before it. The state board may affirm, reverse, or remand the local board
1105 decision or may refer the matter to mediation."

1106 **SECTION 41.**

1107 Said chapter is further amended by adding a new paragraph to Code Section 20-2-2062,
1108 relating to definitions, to read as follows:

1109 "(1.2) 'Charter authorizer' or 'authorizer' means the State Board of Education, the State
1110 Charter Schools Commission, or a local board of education in this state authorized to
1111 approve or deny charter petitions pursuant to this article or Article 31A."

1112 **SECTION 42.**

1113 Said chapter is further amended by adding new subsections to Code Section 20-2-2063,
1114 relating to charter petitions, to read as follows:

1115 "(e) The State Board of Education shall establish rules, regulations, policies, and
1116 procedures to provide a separate and expedited petition process for high-performing charter
1117 schools to replicate, renew, or expand their school design. Such rules, regulations, policies,
1118 and procedures shall require the charter school replication, renewal, or expansion petition
1119 to contain evidence of academic success for the school design that the charter school
1120 petitioner intends to replicate, renew, or expand, along with proof that the petitioner has
1121 the financial and human resources necessary to replicate, renew or expand the design
1122 successfully.

1123 (f) The state board shall establish annual application deadlines of May 1 and November 1
1124 for charter petitioners to submit charter petitions to a local board of education and
1125 concurrently to the state board."

1126 **SECTION 42A.**

1127 Said chapter is further amended by revising Code Section 20-2-2064, relating to approval or
1128 denial of petitions, as follows:

1129 "20-2-2064.

1130 (a) A charter petitioner seeking to create a conversion charter school must submit a
1131 petition to the local board of the local school system in which the proposed charter school

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

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

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

(2) If for a high school cluster, has been approved by a majority of the school councils in the high school cluster and has been freely agreed to, by secret ballot, by at least 60 percent of the combined vote of the faculty and instructional staff members of the high school cluster and the parents or guardians of students who reside in the attendance zone of such high school cluster present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval. Each school council within the high school cluster shall appoint two representatives to a committee that shall conduct the vote.

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

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

(c) A system charter school's school council or governing council, as applicable, may petition to become a conversion charter school. The petition shall be submitted to the local board of the charter system in which the school is located and concurrently to the state board. The local board must by a majority vote approve or deny a petition no later than 90 days after its submission unless the petitioner requests an extension; provided, however,

that a denial of a petition by a local board shall not preclude the submission to the local board and concurrently to the state board of a revised petition that addresses deficiencies cited in the denial.

(d) A local board shall approve a petition that complies with the rules, regulations, policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of this title and is in the public interest. If a local board denies a petition, it must within 60 days of such denial specifically state the reasons for the denial, list all deficiencies with respect to Code Section 20-2-2063, and provide a written statement of the denial to the charter petitioner and the state board.

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

SECTION 42B.

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

"20-2-2064.1.

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

(b) The state board shall approve the charter of a charter petitioner if the petition has been approved by the local board of the local school system in which the proposed charter school will be located and the state board finds, after receiving input from the Charter Advisory Committee, that the petition complies with the rules, regulations, policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of this title and is in the public interest. The state board shall approve or deny a petition that has been approved by such local board no later than 210 days after such petition was originally submitted to the local board and concurrently to the state board pursuant to Code Section 20-2-2064. If the state board denies a petition, it must within 60 days of such denial specifically state the reasons for the denial, list all deficiencies with regard to Code Section 20-2-2063, and provide a written statement of the denial to the charter petitioner and to the local board. If the state board approves a petition, the charter shall be executed by the state board, local board, and charter petitioner no later than 240 days after such petition was originally submitted to the local board and concurrently to the state board pursuant to Code Section 20-2-2064.

(c) No application for a state chartered special school may be made to the state board by a petitioner for a conversion charter school that has been denied by a local board. Upon

denial of a petition for a start-up charter school by a local board and upon application to the state board by the petitioner, the state board shall approve the charter of a start-up charter petitioner for a state chartered special school if the state board finds, after receiving input from the Charter Advisory Committee, that such petition meets the requirements set forth in Code Section 20-2-2063 and the provisions of this title, and is in the public interest. The state board shall approve or deny a petition for a state chartered special school no later than 210 days after such petition was originally submitted to the local board and concurrently to the state board pursuant to Code Section 20-2-2064. If the state board approves a petition, the charter for a state chartered special school shall be executed by the state board and the charter petitioner no later than 240 days after such petition was originally submitted to the local board and concurrently to the state board pursuant to Code Section 20-2-2064."

SECTION 43.

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

"20-2-2064.2.

(a) The General Assembly finds that:

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

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

(A) Maintain high standards for charter schools;

(B) Uphold charter school autonomy; and

(C) Protect student and public interests.

(b) To solicit, encourage, and guide the development of quality charter school petitions, the State Board of Education shall establish rules, regulations, policies, and procedures requiring every charter authorizer that oversees a charter school or that has received a charter petition to develop and annually publish a policy statement based on national best practices.

(c) A charter authorizer's petition review process shall include thorough evaluation of each written charter petition, an in-person interview with the petitioner, and an opportunity in a public meeting for local residents or other interested persons to provide comment; provided, however, that if a charter petition has serious defects as determined by the charter authorizer, the charter authorizer shall not be required to conduct the interview or hold the public meeting until such time as the defects are resolved.

(d) An authorizer shall monitor the performance and legal compliance of the charter

schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the charter. Every authorizer shall have the authority to conduct or require oversight activities that enable the authorizer to fulfill its responsibilities, including conducting appropriate inquiries and investigations, so long as those activities adhere to the terms of the charter and do not unduly inhibit the autonomy granted to charter schools.

(e) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer shall promptly notify the charter school in writing of the perceived problem and provide reasonable opportunity for the charter school to remedy the problem, unless the problem warrants termination in which case provisions of Code Section 20-2-2068 or 20-2-2083 and the terms of the charter apply.

(f) The state board shall identify the charter authorizers that fail to satisfy the requirements of subsections (b) through (e) of this Code section, along with relevant information on the charter authorizer's charter school portfolio, in its annual report to the General Assembly pursuant to Code Section 20-2-2070."

SECTION 44.

Said chapter is further amended by revising Code Section 20-2-2066, relating to admission, enrollment, and withdrawal of students, as follows:

"20-2-2066.

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

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

(i) Students who reside in a specified political subdivision within the charter attendance zone. For purposes of this division, the term 'political subdivision' means a local school system, county, municipal corporation, consolidated city-county government, or other political subdivision of the state created by or pursuant to the Constitution of Georgia or any general, local, or special Act of the General Assembly or any community improvement district of the state;

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

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

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

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

~~(v)~~(vi) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school; and

(B) A conversion charter school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter. If the number of applying students who reside in the attendance zone does not exceed the capacity as specified in the charter, additional students shall be enrolled based on a random selection process; provided, however, that enrollment preferences may be given to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) Students who reside in a specified political subdivision within the charter attendance zone. For purposes of this division, the term 'political subdivision' means a local school system, county, municipal corporation, consolidated city-county government, or other political subdivision of the state created by or pursuant to the Constitution of Georgia or any general, local, or special Act of the General Assembly or any community improvement district of the state;

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

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

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

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

~~(v)~~(vi) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school; and

(2) A student who resides outside the school system in which the local charter school is located may not enroll in that local charter school except pursuant to a contractual agreement between the local boards of the school system in which the student resides and

the school system in which the local charter school is located. Unless otherwise provided in such contractual agreement, a local charter school may give enrollment preference to a sibling of a nonresident student currently enrolled in the local charter school.

(b) A state chartered special school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. The period of time during which an application for enrollment may be submitted shall be specified in the charter. In such case, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a state chartered special school may give enrollment preference to ~~a child of a full-time teacher, professional, or other employee of the state chartered special school as provided for in subsection (b) of Code Section 20-2-293~~ or to a sibling of a student currently enrolled in the state chartered special school applicants in any one or more of the following categories in the order of priority specified in the charter:

(1) Students who reside in a specified political subdivision within the charter attendance zone. For purposes of this paragraph, the term 'political subdivision' means a local school system, county, municipal corporation, consolidated city-county government, or other political subdivision of the state created by or pursuant to the Constitution of Georgia or any general, local, or special Act of the General Assembly or any community improvement district of the state;

(2) A sibling of a student enrolled in the state charter school;

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

(4) A student whose parent or guardian is a member of the governing board of the state charter school or is a full-time teacher, professional, or other employee at the state charter school;

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

(6) Children who matriculate from a pre-kindergarten program which is associated with the state charter school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school.

(b.1) A charter system shall enroll students in its system charter schools per the terms of the charter and in accordance with state board rules.

(c) A charter school shall not discriminate on any basis that would be illegal if used by a school system.

(d) A student may withdraw without penalty from a charter school at any time and enroll in a local school in the school system in which such student resides as may be provided for

by the policies of the local board. A student who is suspended or expelled from a charter school as a result of a disciplinary action taken by a charter school shall be entitled to enroll in a local school within the local school system in which the student resides, if, under the disciplinary policy of the local school system, such student would not have been subject to suspension or expulsion for the conduct which gave rise to the suspension or expulsion. In such instances, the local board shall not be required to independently verify the nature or occurrence of the applicable conduct or any evidence relating thereto."

SECTION 45.

Said chapter is further amended by adding new subsections to Code Section 20-2-2068.1, relating to charter school funding, to read as follows:

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

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

SECTION 46.

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

"(h)(1) As used in this subsection, the term 'unused facility' means a school building or other local board of education owned building that is or could be appropriate for school use in which less than 40 percent of the direct student instruction and critical administration space is being used.

(2) Each local board of education shall make its unused facilities available to local

1386 charter schools. The terms of the use of such a facility by the charter school shall be
1387 subject to negotiation between the board and the local charter school and shall be
1388 memorialized as a separate agreement. A local charter school that is allowed to use such
1389 a facility under such an agreement shall not sell or dispose of any interest in such
1390 property without the written permission of the local board. A local charter school may
1391 not be charged a rental or leasing fee for the existing facility or for property normally
1392 used by the public school which became the local charter school. A local charter school
1393 that receives property from a local board may not sell or dispose of such property without
1394 the written permission of the local board.

1395 (3)(A) A local charter school shall have a right of first refusal to purchase at or below
1396 fair market value an unused facility. If, at the time a facility first becomes unused, the
1397 local board that owns the facility has a plan to reuse the facility within an 18 month
1398 period, the local board shall not be required to include the facility in its submission to
1399 the department. However, a local board may exclude an unused facility from the
1400 annual data base only once. Each local board of education shall annually, by a deadline
1401 and in accordance with guidelines established by the department, submit to the
1402 department a list of its unused facilities. The department shall, based on the
1403 submissions of the local board, publish to its website a searchable data base of unused
1404 facilities.

1405 (B) The department shall monitor the searchable data base and notify all local charter
1406 schools of unused facilities that are available and may be appropriate for school use.

1407 (C) The department shall establish minimum standards for an application process for
1408 local charter schools to facilitate the purchase of unused facilities from local boards.
1409 The local board that owns the unused facility shall conduct the sale and receive any
1410 funds realized from the sale of such facility under its control.

1411 (D) In the event more than one local charter school applies to purchase an unused
1412 facility, the local board shall establish a competitive bidding process. In scoring bids,
1413 the local board shall give weight to academic quality and performance, financial health,
1414 community impact, and the program design of the charter school. If the local board
1415 receives two or more bids of equal score, the local board shall accept a bid based on a
1416 random draw conducted at a public hearing. The department may establish guidelines
1417 on how the competitive bidding process must be conducted.

1418 (E) This paragraph shall not be interpreted to limit the ability of a local school to
1419 convert to a charter school pursuant to Code section 20-2-2064 or to limit the ability of
1420 a local board to provide a facility to a local charter school pursuant to paragraph (2) of
1421 this subsection."

SECTION 47.

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

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

(1) Approve or deny petitions for state charter schools and renew, nonrenew, or terminate state charter school petitions in accordance with rules and regulations established pursuant to this article. At its discretion, the commission may preliminarily approve a petition for a state charter school before the petitioner has secured space, equipment, or personnel, if the petitioner indicates such preliminary approval is necessary for it to raise working capital. The State Board of Education shall review and may overrule the approval or renewal of a state charter school by the commission, ~~within 60 days of such decision by the commission~~ no later than 210 days after its submission to the commission pursuant to Code Section 20-2-2084, upon a majority vote of the members of the state board; and

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

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

(A) Students who reside in a specified political subdivision within the charter attendance zone. For purposes of this subparagraph, the term 'political subdivision' means a local school system, county, municipal corporation, consolidated city-county government, or other political subdivision of the state created by or pursuant to the Constitution of Georgia or any general, local, or special Act of the General Assembly or any community improvement district of the state;

(B) A sibling of a student enrolled in the state charter school;

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

(D) A student whose parent or guardian is a member of the governing board of the state

1459 charter school or is a full-time teacher, professional, or other employee at the state
 1460 charter school;
 1461 (E) Students matriculating from a local school designated in the charter; and
 1462 (F) Children who matriculate from a pre-kindergarten program which is associated
 1463 with the state charter school, including, but not limited to, programs which share
 1464 common facilities or campuses with the school or programs which have established a
 1465 partnership or cooperative efforts with the school."

1466 SECTION 48.

1467 Said chapter is further amended by revising subsections (a) through (c) of and by adding a
 1468 new subsection to Code Section 20-2-2084, relating to petition for charter schools,
 1469 requirements of school, governing board membership, and annual training, as follows:

1470 "(a) Petitions submitted to the commission shall be subject to rules and regulations
 1471 established pursuant to this article. The commission shall establish annual application
 1472 deadlines of May 1 and November 1 for charter petitioners to submit charter petitions to
 1473 the commission pursuant to subsection (c) of this Code section.

1474 (b) The commission shall be authorized to approve a petition for a state charter school that
 1475 meets the following requirements:

1476 (1) Has a state-wide attendance zone, which may include a school which provides
 1477 instruction in a physical location or which solely provides virtual instruction; or

1478 (2)(A) Has a defined attendance zone; and

1479 (B) Demonstrates that it has special characteristics, such as a special population, a
 1480 special curriculum, or some other feature or features which enhance educational
 1481 opportunities, which may include the demonstration of a need to enroll students across
 1482 multiple communities or an alternative delivery system; provided, however, that the
 1483 petitioner shall demonstrate a reasonable justification for any proposed special
 1484 curriculum that has a narrow or limited focus.

1485 (c)(1) For petitions for state charter schools with a state-wide attendance zone, the
 1486 petitioner shall submit such petition to the commission and concurrently to the local
 1487 board of education in which the school is proposed to be located for information
 1488 purposes; provided, however, that this shall not apply to a proposed state charter school
 1489 which will solely provide virtual instruction.

1490 (2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1491 shall concurrently submit such petition to the commission, to the local board of education
 1492 in which the school is proposed to be located, and to each local school system from which
 1493 the proposed school plans to enroll students. The commission shall not act on a petition
 1494 unless the local board of education in which the school is proposed to be located denies

the petition; provided, however, that such local board shall approve or deny the petition no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of Code Section 20-2-2064, ~~unless the petitioner requested an extension~~. Failure to approve or deny such petition by such local board, in violation of Code Section 20-2-2064, shall be deemed a denial for purposes of this paragraph. A local board that has denied a petition for a state charter school shall be permitted to present to the commission in writing or in person the reasons for denial and the deficiencies in such petition resulting in such denial.

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

(4) The commission shall approve or deny a petition no later than 150 days after its submission to the commission pursuant to this Code section. If the commission approves a petition, the charter shall be executed by the commission and the charter petitioner no later than 240 days after such petition was originally submitted to the commission pursuant to this Code section."

"(d.1) The commission shall establish rules, regulations, policies, and procedures to provide a separate and expedited petition process for high-performing state charter schools to replicate, renew, or expand their school design. Such rules, regulations, policies, and procedures shall require the charter school replication, renewal, or expansion petition to contain evidence of academic success for the school design that the state charter school petitioner intends to replicate, renew, or expand, along with proof that the petitioner has the financial and human resources necessary to replicate, renew, or expand the design successfully."

SECTION 49.

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

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

(A)(is) QBE formula earnings and QBE grants earned by the state charter school based on the school's enrollment, school profile, and student characteristics. For purposes of this subparagraph, the term 'QBE formula earnings' means funds earned

for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated in accordance with Code Section 20-2-164. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development, as determined by the department.

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

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

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

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

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

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

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

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

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

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

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

SECTION 50.

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

"20-2-2092.

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

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

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

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

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

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

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

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

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

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

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

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SECTION 51.

1641 All laws and parts of laws in conflict with this Act are repealed.