

House Bill 202

By: Representatives Hilton of the 48<sup>th</sup>, Jones of the 47<sup>th</sup>, Dubnik of the 29<sup>th</sup>, Jones of the 25<sup>th</sup>,  
Rice of the 139<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the  
2 "Charter Schools Act of 1998," so as to enact the "Local Charter School Authorization and  
3 Support Act of 2025"; to provide for the State Charter Schools Commission to establish a  
4 program for the purposes of promoting and supporting the approval of new local charter  
5 school petitions by local boards of education and to provide incentive grants to local boards  
6 of education that approve new local charter school petitions; to provide for the award and use  
7 of such incentive grants; to provide for the Office of Charter School Compliance to  
8 implement and administer such incentive programs and to provide technical assistance to  
9 local school systems; to require local boards of education to provide certain written  
10 statements to the State Board of Education and the Office of Charter School Compliance  
11 upon denying a local charter school petition whereupon the corresponding state charter  
12 school petition is approved by the State Charter Schools Commission, subject to an  
13 exception; to provide for accountability for local boards of education that deny two or more  
14 local charter school petitions whereupon the corresponding state charter school petition is  
15 approved by the State Charter Schools Commission during a certain period; to provide for  
16 local boards of education to reconsider the denial of local charter school petitions; to require  
17 the Office of Charter School Compliance to prepare guidelines for local boards of education  
18 for the evaluation of charter school petitions; to revise reporting; to provide for related

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19 matters; to provide for legislative findings and intent; to provide for an effective date; to  
20 repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 (a) The General Assembly finds that charter schools, including locally authorized charter  
24 schools, provide innovative and effective educational opportunities for students in Georgia.

25 (b) It is the intent of the General Assembly to:

26 (1) Encourage local school systems to serve as local authorizers of charter schools;

27 (2) Provide financial incentives to local school systems that authorize and oversee charter  
28 schools; and

29 (3) Ensure accountability for local school systems that consistently deny charter petitions  
30 that are subsequently approved by the State Charter Schools Commission.

31 **SECTION 2.**

32 This Act shall be known and may be cited as the "Local Charter School Authorization and  
33 Support Act of 2025."

34 **SECTION 3.**

35 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Charter  
36 Schools Act of 1998," is amended by revising Code Section 20-2-2064, relating to approval  
37 or denial of petition, as follows:

38 "20-2-2064.

39 (a) A charter petitioner seeking to create a conversion charter school ~~must~~ shall submit a  
40 petition to the local board of the local school system in which the proposed charter school  
41 will be located. The local board ~~must~~ shall by a majority vote approve or deny a petition

42 no later than 90 days after its submission unless the petitioner requests an extension;  
 43 provided, however, that a denial of a petition by a local board shall not preclude the  
 44 submission to the local board of a revised petition that addresses deficiencies cited in the  
 45 denial; and provided, further, that the local board shall not act upon a petition for a  
 46 conversion charter school, including, but not limited to, a conversion charter for a high  
 47 school cluster, until such petition:

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

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

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

64 The provisions of this ~~This~~ subsection shall not apply to a system charter school petitioning  
 65 to be a conversion charter school.

66 (b) A charter petitioner seeking to create a start-up charter school ~~must~~ shall submit a  
 67 petition to the local board of the local school system in which the proposed charter school  
 68 will be located. The local board ~~must~~ shall by a majority vote approve or deny a petition

69 no later than 90 days after its submission unless the petitioner requests an extension. A  
70 denial of a petition by a local board shall not preclude the submission ~~to the local board~~ of  
71 a revised petition to the local board that addresses deficiencies cited in the denial.

72 (c) A system charter school's school council or governing council, as applicable, may  
73 petition to become a conversion charter school. The petition shall be submitted to the local  
74 board of the charter system in which the school is located. The local board ~~must~~ shall by  
75 a majority vote approve or deny a petition no later than 90 days after its submission unless  
76 the petitioner requests an extension; provided, however, that a denial of a petition by a local  
77 board shall not preclude the submission ~~to the local board~~ of a revised petition to the local  
78 board that addresses deficiencies cited in the denial.

79 (d)(1) A local board shall approve a petition that complies with the rules, regulations,  
80 policies, and procedures promulgated in accordance with Code Section 20-2-2063 and  
81 the provisions of this title and is in the public interest.

82 (2) If a local board denies a petition, it ~~must~~ shall within ~~60~~ ten days provide a written  
83 statement of denial to the charter petitioner, the state board, and the Office of Charter  
84 School Compliance specifically state stating the reasons for the denial, list and listing all  
85 deficiencies with respect to Code Section 20-2-2063, detailing existing access to school  
86 choice options for students in the local school system, and assessing the academic  
87 performance of existing local schools in the area the charter school proposed to serve.  
88 Within three days of such written statement being received by the Office of Charter  
89 School Compliance, such written statement shall be published on the public website of  
90 the Office of Charter School Compliance and provide a written statement of the denial  
91 to the charter petitioner and the state board.

92 (3) If a local board denies a local charter school petition and the corresponding state  
93 charter school petition is subsequently approved by the State Charter Schools  
94 Commission as provided in Code Section 20-2-2084:

95 (A) The Office of Charter School Compliance shall notify the local board of such  
96 approval; and

97 (B) The state board and the Office of Charter School Compliance shall, upon review  
98 of the local school system's written statement of denial provided for in paragraph (2)  
99 of this subsection and the State Charter Schools Commission's rationale for approving  
100 the charter petition, provide guidance to or recommend authorizer training for the local  
101 school system, as appropriate.

102 (4)(A) Except as provided for in subparagraph (B) of this paragraph, if the local board  
103 of a local school system with enrollment of more than 10,000 students, based on such  
104 local school system's full-time equivalent program count calculated as provided for in  
105 subsection (b) of Code Section 20-2-160, denies two or more local charter school  
106 petitions, and the corresponding state charter school petitions are subsequently  
107 approved by the State Charter Schools Commission as provided in Code Section  
108 20-2-2084 during the same term of such local school system's charter system contract  
109 or strategic waivers school system contract, such local school system shall not be  
110 eligible or authorized to renew its charter system status granted under Code Section  
111 20-2-2063.2 or any strategic waivers granted under Article 4 of this chapter for up to  
112 three years following the termination or expiration of its current charter system contract  
113 or strategic waivers school systems contract, or until the state board determines the  
114 local school system has demonstrated its commitment to increasing student  
115 performance and encouraging innovation through high quality local charter petition  
116 authorizations.

117 (B) The provisions of subparagraph (A) of this paragraph shall not apply to a local  
118 school system with a charter system contract or strategic waivers school system  
119 contract that, according to the terms of such contract in place on January 1, 2025, will  
120 expire on or before July 1, 2025, until the term of such local school system's new or  
121 renewed charter system contract or strategic waivers school system contract begins.

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

125 **SECTION 4.**

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

127 "20-2-2064.2.

128 (a) The State Charter Schools Commission shall establish a program for the purposes of  
129 promoting and supporting the approval of new local charter school petitions by local boards  
130 of education and to provide incentive grants to local boards of education that approve new  
131 local charter school petitions. The State Charter Schools Commission shall promulgate  
132 such rules and regulations as it deems necessary to carry out the provisions and intent of  
133 this Code section.

134 (b)(1) Subject to appropriations, for each new local charter school petition approved by  
135 a local board of education after June 30, 2025, such local board of education shall receive  
136 an incentive grant of \$100,000.00 by August 1 of each of the three years following such  
137 approval, provided that such local charter school remains authorized by such local board  
138 of education. In the event that available appropriations are not sufficient to cover the  
139 total amount of such incentive grants provided for in this subsection, the amount of each  
140 such grant shall be reduced proportionally, providing incentive grants in equal amounts  
141 to each such local board of education.

142 (2) Incentive grants provided for in paragraph (1) of this subsection shall be provided  
143 only for the approval of new local charter school petitions and not for the approval or  
144 renewal of an existing local charter school.

145 (c) Incentive grants awarded pursuant to subsection (b) of this Code section may be used  
146 by the receiving local board of education for expenses incurred by the local board of  
147 education in its role as a local charter school authorizer, which may include, but shall not

148 be limited to, hiring qualified personnel and providing for oversight, compliance  
149 monitoring, and professional development related to local charter school authorization.  
150 (d) The Office of Charter School Compliance shall implement and administer the incentive  
151 grant program provided for in subsection (b) of this Code section and shall provide  
152 technical assistance necessary to local school systems in support of compliance with the  
153 requirements of this Code section."

154 **SECTION 5.**

155 Said article is further amended in Code Section 20-2-2069, relating to the Office of Charter  
156 School Compliance and the Office of District Flexibility, by revising subsection (a) as  
157 follows:

158 "(a) There is established within the State Charter Schools Commission an Office of Charter  
159 School Compliance, which shall be staffed with personnel as provided for in subsection  
160 (d.1) of Code Section 20-2-2082, who shall report directly to the State Board of Education  
161 for purposes of this subsection. The responsibilities of such office shall be to:

- 162 (1) Prepare charter school guidelines to be approved by the state board;
- 163 (2) Distribute charter school petition information to inquiring parties;
- 164 (3) Process all charter school petitions and coordinate with the Charter Advisory  
165 Committee established pursuant to Code Section 20-2-2063.1 to facilitate its review and  
166 recommendations to the state board;
- 167 (4) Administer any state or federal charter school implementation grant program;
- 168 (5) Contract with an independent party to evaluate the performance of charter schools,  
169 as such performance relates to fulfilling the terms of their charters;
- 170 (6) Compile information necessary to produce the annual report required by Code  
171 Section 20-2-2070, which shall include, but shall not be limited to, information regarding  
172 the effectiveness of the incentives and the adherence of local school systems to the  
173 requirements provided for in Code Sections 20-2-2064 and 20-2-2064.2; and

- 174 (7) Prepare guidelines for local boards of education for the evaluation of charter school  
 175 petitions. Such guidelines shall be published on the public website of the Department of  
 176 Education and shall include:
- 177 (A) Criteria for evaluating the academic, operational, and financial plans of the charter  
 178 petitioner;
  - 179 (B) Best practices for conducting a thorough and objective review of charter petitions;
  - 180 (C) Procedures for public hearings and community input on charter petitions; and
  - 181 (D) A standardized evaluation rubric for use by local boards of education during the  
 182 evaluation of charter petitions; and
- 183 (8) Provide technical assistance to Assist local school systems as charter school  
 184 authorizers ~~as challenges arise~~, support local school systems as needed to implement best  
 185 practices in charter school authorization, and regularly engage with local school systems  
 186 to promote charter school authorization at the local level."

187 **SECTION 6.**

188 Said article is further amended by revising Code Section 20-2-2070, relating to annual report  
 189 to General Assembly, as follows:

190 "20-2-2070.

191 ~~No~~ The state board shall report to the General Assembly no later than December 31 of each  
 192 year, the state board shall submit a report on the status of the charter school program to the  
 193 Speaker of the House of Representatives; the President of the Senate; the chairpersons of  
 194 the House Committee on Education, the Senate Education and Youth Committee, the  
 195 House Committee on Appropriations, and the Senate Appropriations Committee; and the  
 196 Office of Planning and Budget."

197 **SECTION 7.**

198 This Act shall become effective upon its approval by the Governor or upon its becoming law  
199 without such approval.

200 **SECTION 8.**

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