

The Senate Committee on Education and Youth offered the following substitute to SB 82:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 enact the "Local Charter School Authorization and Support Act of 2025"; to provide for the
3 State Charter Schools Commission to establish a program for the purposes of promoting and
4 supporting the approval of new local charter school petitions by local boards of education
5 and to provide incentive grants to local boards of education that approve new local charter
6 school petitions; to provide for the award and use of such incentive grants; to provide for
7 additional capital outlay entitlements; to provide for the Office of Charter School
8 Compliance to implement and administer such incentive programs and to provide technical
9 assistance to local school systems; to require local boards of education to provide certain
10 written statements to the State Board of Education and the Office of Charter School
11 Compliance upon denying a local charter school petition whereupon the corresponding state
12 charter 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

19 matters; to require the Office of Student Achievement to develop and annually review and
20 rate the availability of public school choice options provided to students by local school
21 systems; to provide for ratings; to provide for including such ratings in local school system
22 report cards; to provide for legislative findings and intent; to provide for an effective date;
23 to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

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

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

- 29 (1) Encourage local school systems to serve as local authorizers of charter schools;
30 (2) Provide financial incentives to local school systems that authorize and oversee charter
31 schools; and
32 (3) Ensure accountability for local school systems that consistently deny charter petitions
33 that are subsequently approved by the State Charter Schools Commission.

34 **SECTION 2.**

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

37 **SECTION 3.**

38 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
39 Code section 20-2-260, relating to capital outlay funds generally, by revising paragraph and
40 (3) and adding a new paragraph to subsection (g) to read as follows:

41 "(2.1) In setting the annual authorization level under this subsection, the state board shall
42 consider the number of petitions for new charter schools with single-school system
43 attendance zones approved by each local board of education.

44 (3) Each local school system shall be entitled to a portion of the total authorization set
45 by the state board annually under this subsection based on the ratio of that local school
46 system's needs as determined pursuant to paragraph (2) of this subsection to the total of
47 all local school systems' needs. In addition to the annual entitlement, the local school
48 system is eligible to receive any entitlement accrued from previous years for which state
49 funds have not yet been received. In addition to the annual entitlement, the local school
50 system shall be eligible to receive additional entitlement for the approval of petitions for
51 new charter schools with single-school system attendance zones. Any change in the
52 method of determining entitlements in subsequent years shall in no way affect the amount
53 of previously accrued entitlements."

54

SECTION 4.

55 Said title is further amended by revising Code Section 20-2-2064, relating to approval or
56 denial of petition relative to the "Charter Schools Act of 1998," as follows:

57 "20-2-2064.

58 (a) A charter petitioner seeking to create a conversion charter school ~~must~~ shall submit a
59 petition to the local board of the local school system in which the proposed charter school
60 will be located. The local board ~~must~~ shall by a majority vote approve or deny a petition
61 no later than 90 days after its submission unless the petitioner requests an extension;
62 provided, however, that a denial of a petition by a local board shall not preclude the
63 submission to the local board of a revised petition that addresses deficiencies cited in the
64 denial; and provided, further, that the local board shall not act upon a petition for a
65 conversion charter school, including, but not limited to, a conversion charter for a high
66 school cluster, until such petition:

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

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

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

83 (3) The provisions of this ~~This~~ subsection shall not apply to a system charter school
84 petitioning to be a conversion charter school.

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

91 (c) A system charter school's school council or governing council, as applicable, may
92 petition to become a conversion charter school. The petition shall be submitted to the local
93 board of the charter system in which the school is located. The local board ~~must~~ shall by

94 a majority vote approve or deny a petition no later than 90 days after its submission unless
95 the petitioner requests an extension; provided, however, that a denial of a petition by a local
96 board shall not preclude the submission ~~to the local board~~ of a revised petition to the local
97 board that addresses deficiencies cited in the denial.

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

101 (2) If a local board denies a petition, it ~~must~~ shall within ~~60~~ ten days provide a written
102 statement of denial to the charter petitioner, the state board, and the Office of Charter
103 School Compliance specifically state stating the reasons for the denial, list and listing all
104 deficiencies with respect to Code Section 20-2-2063, detailing existing access to school
105 choice options for students in the local school system, and assessing the academic
106 performance of existing local schools in the area the charter school proposed to serve.
107 Within three days of such written statement being received by the Office of Charter
108 School Compliance, such written statement shall be published on the public website of
109 the Office of Charter School Compliance and provide a written statement of the denial
110 to the charter petitioner and the state board.

111 (3) If a local board denies a local charter school petition with a single-school system
112 attendance zone and the corresponding state charter school petition is subsequently
113 approved by the State Charter Schools Commission as provided in Code Section
114 20-2-2084:

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

117 (B) The state board and the Office of Charter School Compliance may, upon review
118 of the local school system's written statement of denial provided for in paragraph (2)
119 of this subsection and the State Charter Schools Commission's rationale for approving

120 the charter petition, provide guidance to or recommend authorizer training for the local
121 school system, as appropriate.

122 (4)(A) Except as provided for in subparagraph (B) of this paragraph, if the local board
123 of a local school system with enrollment of 10,000 to 60,000 students based on such
124 local school system's full-time equivalent program count calculated as provided for in
125 subsection (b) of Code Section 20-2-160, denies two or more local charter school
126 petitions with single-school system attendance zones, and the corresponding state
127 charter school petitions are subsequently approved by the State Charter Schools
128 Commission as provided in Code Section 20-2-2084 during the same term of such local
129 school system's charter system contract or strategic waivers school system contract,
130 such local school system shall not be eligible or authorized to renew its charter system
131 status granted under Code Section 20-2-2063.2 or any strategic waivers granted under
132 Article 4 of this chapter for up to three years following the termination or expiration of
133 its current charter system contract or strategic waivers school systems contract, or until
134 the state board determines the local school system has demonstrated its commitment to
135 increasing student performance and encouraging innovation through high quality local
136 charter petition authorizations.

137 (B) Except as provided for in subparagraph (C) of this paragraph, if the local board of
138 a local school system with enrollment of more than 60,000 students, based on such
139 local school system's full-time equivalent program count calculated as provided for in
140 subsection (b) of Code Section 20-2-160, denies three or more local charter school
141 petitions with single-school system attendance zones, and the corresponding state
142 charter school petitions are subsequently approved by the State Charter Schools
143 Commission as provided in Code Section 20-2-2084 during the same term of such local
144 school system's charter system contract or strategic waivers school system contract,
145 such local school system shall not be eligible or authorized to renew its charter system
146 status granted under Code Section 20-2-2063.2 or any strategic waivers granted under

147 Article 4 of this chapter for up to three years following the termination or expiration of
 148 its current charter system contract or strategic waivers school systems contract, or until
 149 the state board determines the local school system has demonstrated its commitment to
 150 increasing student performance and encouraging innovation through high quality local
 151 charter petition authorizations.

152 (C) The provisions of subparagraphs (A) and (B) of this paragraph shall not apply to
 153 a local school system with a charter system contract or strategic waivers school system
 154 contract that, according to the terms of such contract in place on January 1, 2025, will
 155 expire on or before July 1, 2025, until the term of such local school system's new or
 156 renewed charter system contract or strategic waivers school system contract begins.

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

160 **SECTION 5.**

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

162 "20-2-2064.2.

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

169 (b)(1) Subject to appropriations, for each new local charter school petition approved by
 170 a local board of education after June 30, 2025, such local board of education shall receive
 171 an incentive grant of \$250,000.00 by August 1 of each of the three years following such
 172 approval, provided that such local charter school remains authorized by such local board

173 of education. In the event that available appropriations are not sufficient to cover the
174 total amount of such incentive grants provided for in this subsection, the amount of each
175 such grant shall be reduced proportionally, providing incentive grants in equal amounts
176 to each such local board of education.

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

180 (c) Incentive grants awarded pursuant to subsection (b) of this Code section may be used
181 by the receiving local board of education for expenses incurred by the local board of
182 education in its role as a local charter school authorizer, which may include, but shall not
183 be limited to, hiring qualified personnel and providing for oversight, compliance
184 monitoring, and professional development related to local charter school authorization.

185 (d) The Office of Charter School Compliance shall implement and administer the incentive
186 grant program provided for in subsection (b) of this Code section and shall provide
187 technical assistance necessary to local school systems in support of compliance with the
188 requirements of this Code section."

189

SECTION 6.

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

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

197 (1) Prepare charter school guidelines to be approved by the state board;

198 (2) Distribute charter school petition information to inquiring parties;

- 199 (3) Process all charter school petitions and coordinate with the Charter Advisory
 200 Committee established pursuant to Code Section 20-2-2063.1 to facilitate its review and
 201 recommendations to the state board;
- 202 (4) Administer any state or federal charter school implementation grant program;
- 203 (5) Contract with an independent party to evaluate the performance of charter schools,
 204 as such performance relates to fulfilling the terms of their charters;
- 205 (6) Compile information necessary to produce the annual report required by Code
 206 Section 20-2-2070, which shall include, but shall not be limited to, information regarding
 207 the effectiveness of the incentives and the adherence of local school systems to the
 208 requirements provided for in Code Sections 20-2-2064 and 20-2-2064.2; and
- 209 (7) Prepare guidelines for local boards of education for the evaluation of charter school
 210 petitions. Such guidelines shall be published on the public website of the Department of
 211 Education and shall include:
- 212 (A) Criteria for evaluating the academic, operational, and financial plans of the charter
 213 petitioner;
- 214 (B) Best practices for conducting a thorough and objective review of charter petitions;
- 215 (C) Procedures for public hearings and community input on charter petitions; and
- 216 (D) A standardized evaluation rubric for use by local boards of education during the
 217 evaluation of charter petitions; and
- 218 (8) Provide technical assistance to ~~Assist~~ local school systems as charter school
 219 authorizers ~~as challenges arise~~, support local school systems as needed to implement best
 220 practices in charter school authorization, and regularly engage with local school systems
 221 to promote charter school authorization at the local level."

222

SECTION 7.

223 Said title is further amended by revising Code Section 20-2-2070, relating to annual report
 224 to General Assembly, as follows:

225 "20-2-2070.

226 ~~No~~ The state board shall report to the General Assembly no later than December 31 of each
227 year, the state board shall submit a report on the status of the charter school program to the
228 Speaker of the House of Representatives; the President of the Senate; the chairpersons of
229 the House Committee on Education, the Senate Education and Youth Committee, the
230 House Committee on Appropriations, and the Senate Appropriations Committee; and the
231 Office of Planning and Budget."

232

SECTION 8.

233 Said title is further amended in Part 3 of Article 2 of Chapter 14, relating to accountability
234 assessment, by adding a new subsection to Code Section 20-14-33, relating to indicators of
235 quality of learning in individual schools and school systems, comparison to state standards,
236 rating schools and school systems, providing information, and uniform definition of
237 "dropout" and "below grade level," to read as follows:

238 "(h)(1) The office, in coordination with the State Charter Schools Commission, shall
239 develop and annually review and rate the availability of public school choice options
240 provided to students by local school systems.

241 (2) Access to public school choice shall be determined by the number of public school
242 choice options operated by the local school system that are available to students in
243 addition to the public school to which such students would be assigned by virtue of their
244 residence. Such public school choice options shall include, but shall not be limited to,
245 local charter schools, magnet schools or programs, career and technical schools or
246 programs, alternative schools or programs, and any other school or program operated by
247 a local school system that students are permitted to attend on a noncompulsary basis.

248 (3) Public school choice access shall have one of the following star ratings based upon
249 the factors included in this subsection, as further defined by rules and regulations of the
250 office:

- 251 (A) '5-star' school systems ranked excellent according to state determined access to
 252 public school choice, as appropriate;
 253 (B) '4-star' school systems ranked above average according to the state determined
 254 access to public school choice, as appropriate;
 255 (C) '3-star' school systems ranked average according to the state determined access to
 256 public school choice, as appropriate;
 257 (D) '2-star' school systems ranked below average according to the state determined
 258 access to public school choice, as appropriate; and
 259 (E) '1-star' school systems ranked as providing no access to the public school choice."

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SECTION 9.

261 Said title is further amended in Code Section 20-14-34, relating to school and system report
 262 cards, required information, and dissemination of reports, by revising subsections (a) and (b)
 263 as follows:

264 "(a) Each school year, the office shall prepare and distribute to each school system in the
 265 State of Georgia a report card for each school in the school system and for the school
 266 system. The report cards shall include performance data on quality of learning, financial
 267 efficiency, ~~and school climate,~~ and access to public school choice as calculated pursuant
 268 to Code Section 20-14-33 and based on the most current data available disaggregated by
 269 student groups. Such ~~This~~ report card ~~on schools~~ shall be the official state education
 270 performance report and ~~supersedes~~ shall supercede all other reports ~~that may be~~ issued by
 271 departments of the state government for matters of funding, awards, and interventions.

272 (b) The report ~~cards~~ card provided for in subsection (a) of this Code section shall include
 273 the following information, where applicable:

- 274 (1) The individual school and school system ratings in a numerical format as provided
 275 for in subsection (d) of Code Section 20-14-33;
 276 (2) A financial efficiency rating for each school and school system;

- 277 (3) A school climate rating for each school and school system;
278 (4) A public school choice access rating for each school system;
279 ~~(4)~~(5) An explanation of the criteria that informs the school and school system rating;
280 and
281 ~~(5)~~(6) An explanation of the criteria that informs the financial efficiency ~~and~~, school
282 climate, and public school choice access ratings."

283 **SECTION 10.**

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

286 **SECTION 11.**

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