

The House Committee on Education offers the following substitute to SB 82:

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

19 school petitions; to revise reporting; to provide for legislative findings and intent; to provide
20 for automatic repealers; to provide for related matters; to provide for an effective date; to
21 repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

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

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

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

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

32 **SECTION 2.**

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

35 **SECTION 3.**

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

39 "20-2-2064.

40 (a) A charter petitioner seeking to create a conversion charter school ~~must~~ shall submit a
41 petition to the local board of the local school system in which the proposed charter school

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

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

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

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

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

67 (b) A charter petitioner seeking to create a start-up charter school ~~must~~ shall submit a
68 petition to the local board of the local school system in which the proposed charter school

69 will be located. The local board ~~must~~ shall by a majority vote approve or deny a petition
70 no later than 90 days after its submission unless the petitioner requests an extension. A
71 denial of a petition by a local board shall not preclude the submission ~~to the local board~~ of
72 a revised petition to the local board that addresses deficiencies cited in the denial.

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

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

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

93 (3) If a local board denies a local charter school petition with a single-school system
94 attendance zone and the corresponding state charter school petition with single-school

95 system attendance zones is subsequently approved by the State Charter Schools
96 Commission as provided in Code Section 20-2-2084:

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

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

104 (4)(A) Except as provided for in subparagraph (B) of this paragraph, if the local board
105 of a local school system with enrollment of 10,000 to 60,000 students based on such
106 local school system's full-time equivalent program count calculated as provided for in
107 subsection (b) of Code Section 20-2-160, denies two or more local charter school
108 petitions with single-school system attendance zones, and the corresponding state
109 charter school petitions with single-school system attendance zones are subsequently
110 approved by the State Charter Schools Commission as provided in Code
111 Section 20-2-2084 during the same term of such local school system's charter system
112 contract or strategic waivers school system contract, such local school system shall not
113 be eligible or authorized to renew its charter system status granted under Code
114 Section 20-2-2063.2 or any strategic waivers granted under Article 4 of this chapter for
115 up to three years following the termination or expiration of its current charter system
116 contract or strategic waivers school systems contract, or until the state board determines
117 the local school system has demonstrated its commitment to increasing student
118 performance and encouraging innovation through high quality local charter petition
119 authorizations.

120 (B) Except as provided for in subparagraph (C) of this paragraph, if the local board of
121 a local school system with enrollment of more than 60,000 students, based on such

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

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

141 (5) This paragraph and paragraphs 3 and 4 of this subsection shall stand automatically
142 repealed on July 1, 2035.

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

146 **SECTION 4.**

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

148 "20-2-2064.2.

149 (a) The State Board of Education in collaboration with the State Charter Schools
150 Commission shall establish a program for the purposes of promoting and supporting the
151 approval of new local charter school petitions by local boards of education and to provide
152 incentive grants to local boards of education that approve new local charter school
153 petitions. The State Charter Schools Commission shall promulgate such rules and
154 regulations as it deems necessary to carry out the provisions and intent of this Code section.

155 (b)(1) Subject to appropriations, for each new local charter school petition approved by
156 a local board of education after June 30, 2025, such local board of education shall receive
157 an incentive grant of \$250,000.00 by August 1 of each of the three years following such
158 approval, provided that such local charter school remains authorized by such local board
159 of education. In the event that available appropriations are not sufficient to cover the
160 total amount of such incentive grants provided for in this subsection, the amount of each
161 such grant shall be reduced proportionally, providing incentive grants in equal amounts
162 to each such local board of education.

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

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

171 (d) The Department of Education shall implement and administer the incentive grant
172 program provided for in subsection (b) of this Code section and the Office of Charter
173 School Compliance shall provide technical assistance necessary to local school systems in
174 support of compliance with the requirements of this Code section.

175 (e) This Code section shall stand automatically repealed on July 1, 2035."

176 **SECTION 5.**

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

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

- 185 (1) Prepare charter school guidelines to be approved by the state board;
- 186 (2) Distribute charter school petition information to inquiring parties;
- 187 (3) Process all charter school petitions and coordinate with the Charter Advisory
188 Committee established pursuant to Code Section 20-2-2063.1 to facilitate its review and
189 recommendations to the state board;
- 190 (4) Administer any state or federal charter school implementation grant program;
- 191 (5) Contract with an independent party to evaluate the performance of charter schools,
192 as such performance relates to fulfilling the terms of their charters;
- 193 (6) Compile information necessary to produce the annual report required by Code
194 Section 20-2-2070, which shall include, but shall not be limited to, information regarding
195 the effectiveness of the incentives and the adherence of local school systems to the
196 requirements provided for in Code Sections 20-2-2064 and 20-2-2064.2; and
- 197 (7) Prepare guidelines for local boards of education for the evaluation of charter school
198 petitions. Such guidelines shall be published on the public website of the Department of
199 Education and shall include:

- 200 (A) Criteria for evaluating the academic, operational, and financial plans of the charter
 201 petitioner;
 202 (B) Best practices for conducting a thorough and objective review of charter petitions;
 203 (C) Procedures for public hearings and community input on charter petitions; and
 204 (D) A standardized evaluation rubric for use by local boards of education during the
 205 evaluation of charter petitions; and
 206 (8) Provide technical assistance to Assist local school systems as charter school
 207 authorizers ~~as challenges arise~~, support local school systems as needed to implement best
 208 practices in charter school authorization, and regularly engage with local school systems
 209 to promote charter school authorization at the local level."

210 **SECTION 6.**

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

213 "20-2-2070.

214 ~~No~~ The state board shall report to the General Assembly no later than December 31 of each
 215 year, the state board shall submit a report on the status of the charter school program to the
 216 Speaker of the House of Representatives; the President of the Senate; the chairpersons of
 217 the House Committee on Education, the Senate Education and Youth Committee, the
 218 House Committee on Appropriations, and the Senate Appropriations Committee; and the
 219 Office of Planning and Budget."

220 **SECTION 7.**

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

223

SECTION 8.

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