

House Bill 917

By: Representatives Jones of the 25<sup>th</sup> and Hilton of the 48<sup>th</sup>

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 provide generally for open enrollment  
3 processes for students to transfer between local school systems and between schools within  
4 local school systems; to provide for rules, regulations, and policies; to prohibit  
5 discrimination; to prohibit charging tuition for transfers between local school systems,  
6 subject to an exception; to provide for appeals of denials of transfer requests; to provide for  
7 the submission and publication of reports; to revise the calculations for equalization grants;  
8 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
13 secondary education, is amended in Part 4 of Article 6, relating to financing under the  
14 "Quality Basic Education Act," by revising subsection (b) of Code Section 20-2-165, relating  
15 to equalization grants, annual calculations, and allocation, as follows:

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16 "(b)(1) Except as provided in paragraph (2) of this subsection, the The State Board of  
 17 Education shall annually calculate the equalization grant for each qualified local school  
 18 system in the following manner:

19 ~~(1)(A)~~ Subtract the assessed valuation per weighted full-time equivalent count for the  
 20 local school system from the guaranteed valuation;

21 ~~(2)(B)~~ Divide the difference resulting from ~~paragraph (1)~~ subparagraph (A) of this  
 22 ~~subsection paragraph~~ by 1,000;

23 ~~(3)(C)~~ Subtract five from the effective millage rate for the local school system and use  
 24 the resulting number of effective mills or 15 effective mills, whichever is less, as the  
 25 number of effective mills to be equalized;

26 ~~(4)(D)~~ Multiply the quotient resulting from ~~paragraph (2)~~ subparagraph (B) of this  
 27 ~~subsection paragraph~~ by the number of effective mills to be equalized pursuant to  
 28 ~~paragraph (3)~~ subparagraph (C) of this ~~subsection paragraph~~; and

29 ~~(5)(D)~~ Multiply the product resulting from ~~paragraph (4)~~ subparagraph (D) of this  
 30 ~~subsection paragraph~~ by the most recent weighted full-time equivalent count for the  
 31 local school system.

32 The resulting amount shall be the equalization grant for the ensuing fiscal year.; ~~provided;~~  
 33 ~~however, that for each local school system~~

34 (2)(A) Except as provided in paragraph (1) of this subsection, the State Board of  
 35 Education shall annually calculate the equalization grant for each qualified local school  
 36 system which serves ~~under contract all of the~~ students in one or more grade levels from  
 37 ~~an adjoining another local school system. The~~ and for each local school system which  
 38 ~~sends under contract all of the students in one or more grade levels to an adjoining~~  
 39 ~~system, the~~ equalization grant shall be calculated to represent the amount that would be  
 40 earned if the students transferred ~~under said contract~~ were included in the full-time  
 41 equivalent counts of the local school system in which they reside.; ~~provided, further;~~  
 42 that any

43 (B) Any equalization grant to be earned by a local school system sending students to  
 44 another system ~~under the provisions of such a contract~~ shall be reduced by an amount  
 45 which represents the equalization funds earned per weighted full-time equivalent  
 46 student multiplied by the total weighted full-time equivalent count for students  
 47 transferred, and any equalization grant to be earned by the local school system  
 48 receiving students ~~under said contract~~ shall be increased by the same amount; provided,  
 49 however, that the total amount of state and local revenue per full-time equivalent  
 50 student of such local school system shall not be decreased to less than \$10,000.00 by  
 51 operation of this subparagraph."

52 **SECTION 2.**

53 Said chapter is further amended in Part 13 of Article 6, relating to organization of schools  
 54 and systems under the "Quality Basic Education Act," by revising Code Section 20-2-293,  
 55 relating to student attending school in system other than system of student's residence, as  
 56 follows:

57 "20-2-293.

58 (a)(~~1~~) The provisions of this article and other statutes to the contrary notwithstanding, the  
 59 State Board of Education shall provide a an open enrollment procedure whereby a student  
 60 shall be permitted to attend and to be included as an enrolled student in the public schools  
 61 of a local ~~unit of administration~~ school system other than the local ~~unit of administration~~  
 62 school system wherein the student resides for the purpose of allotting state funds under this  
 63 article, notwithstanding absence of an agreement between the two local ~~units and a refusal~~  
 64 ~~by the board of education of the local unit wherein the student resides to approve~~  
 65 ~~voluntarily such transfer of the student to the public schools of the other local unit;~~  
 66 ~~provided, however, that the board of education of the local unit is willing to receive and to~~  
 67 ~~permit such student to enroll in and to attend the public schools of such local unit~~ school  
 68 systems. The ~~state board~~ State Board of Education shall adopt such rules, regulations, and

69 policies as may be necessary for implementation of this Code section, which shall include,  
70 but shall not be limited to, rules, regulations, and policies for the appeals process provided  
71 for in subsection (d) of this Code section. ~~Grant or refusal of permission for students to~~  
72 ~~attend such schools, for the purpose of permitting state funds to follow such students, shall~~  
73 ~~be subject only to approval of the enrolling student and the local unit of administration in~~  
74 ~~which the student seeks to enroll. Local units of administration may contract with each~~  
75 ~~other for the care, education, and transportation of students and for such other activities as~~  
76 ~~they may be authorized by law to perform.~~

77 ~~(2) Beginning July 1, 2026, and continuing thereafter, if a local unit of administration~~  
78 ~~enrolls a student pursuant to paragraph (1) of this subsection and requires the student to~~  
79 ~~pay tuition, the amount of tuition such local unit of administration may charge to such~~  
80 ~~student shall not exceed total revenues less federal revenues less state revenues per~~  
81 ~~full-time equivalent student for the local unit of administration that enrolls such student.~~

82 (b) Each local school system shall implement an open enrollment process as provided for  
83 in this Code section. The board of education of each local school system shall adopt  
84 policies to govern the process for open enrollment. Such policies shall:

85 (1) Prohibit discrimination against any transferring student on the basis of his or her  
86 residential address, ability, disability, race, ethnicity, sex, or socioeconomic status;

87 (2) Include basic information that is needed to request enrollment and that is consistent  
88 with guidance and state and federal law regarding student privacy and civil rights;

89 (3) Include information regarding the provision of transportation or resources for  
90 transportation;

91 (4) Be posted to the local school system's public website; and

92 (5) Be available in English and in any other language used by a majority of the student  
93 populations served by each school of the local school system.

94 (c) Each local school system shall receive and enroll transferring students who apply  
95 through the open enrollment process provided for in this Code section unless there is

96 insufficient space available in the school to which such transferring student is applying.  
97 Each local school system shall determine for each of its schools the enrollment capacity of  
98 each grade level and post the number of vacancies for each grade on its public website by  
99 the first day of each month. Each local school system shall measure only the capacity by  
100 grade level and shall not measure capacity by specialized program. Schools shall accept  
101 student transfers throughout the school year as capacity allows.

102 (d) Within 45 calendar days of the initial application to enroll in a school pursuant to the  
103 open enrollment process provided for in this Code section, the local school system to which  
104 the student is applying shall notify the parent or guardian of such student whether the open  
105 enrollment transfer application is approved or denied. For each open enrollment transfer  
106 application that is denied by a local school system:

107 (1) The local school system shall notify the parent or guardian of the student of the  
108 denial in writing within five calendar days of the decision;

109 (2) The parent or guardian of the student shall be entitled to appeal the denial to the State  
110 Board of Education within ten calendar days of receiving the written notification of the  
111 denial by submitting to the State Board of Education and the local school superintendent  
112 of the local school system that denied the open enrollment transfer application a written  
113 notice of appeal on a form prescribed by the State Board of Education;

114 (3) The appeal provided for in paragraph (2) of this subsection shall be considered by the  
115 State Board of Education at its next regularly scheduled meeting, where the appealing  
116 parent or guardian and a representative from the local school system that denied the open  
117 enrollment transfer application shall be permitted to address the State Board of  
118 Education.

119 (e) If the number of students applying for enrollment in a school pursuant to the open  
120 enrollment process provided for in this Code section exceeds the number of spaces that are  
121 available, the local school system shall determine which such applicants to enroll on the

122 basis of a lottery system; provided, however, that schools of choice within a local school  
123 system that have lottery enrollment policies shall not be subject to this subsection.

124 (f) Each local school system shall report annually to the State School Superintendent the  
125 number of students who reside in the local school system who transferred to another local  
126 school system pursuant to the open enrollment process provided for in this Code section  
127 and the number of open enrollment applications that such local school system received,  
128 approved, and denied, along with the reason for each denial. The State School  
129 Superintendent shall publish such data annually on the Department of Education's public  
130 website.

131 (g)(1) Except as provided in paragraph (2) of this subsection, no local school system  
132 shall charge tuition for any transferring student enrolled in a school of such local school  
133 system pursuant to the open enrollment process provided for in this Code section.

134 (2) Each local school system that enrolls a student pursuant to the open enrollment  
135 process provided for in this Code section and exclusively provides virtual instruction to  
136 such student shall be permitted to charge tuition for such student; provided, however, that  
137 the amount of such tuition shall not exceed an amount equal to two-thirds of total  
138 revenues less federal revenues less state revenues per full-time equivalent student for  
139 such local school system.

140 (h) Notwithstanding the provisions of subsection (a) of this Code section or any other  
141 general law, and except as provided by the General Assembly by local law, a student shall  
142 be allowed to attend and be enrolled in the school in which a parent or guardian of such  
143 student is a full-time teacher, paraprofessional, or other employee, notwithstanding the fact  
144 that such school is not located in the local unit of administration in which such student  
145 resides. Each local unit of administration shall be authorized to allow a student to attend  
146 and be enrolled in the school in which a parent or guardian of such student is a part-time  
147 teacher, paraprofessional, or other employee who works for at least 20 hours per school  
148 week on average measured monthly, notwithstanding the fact that such school is not

149 located in the local unit of administration in which such student resides. Each local unit  
150 of administration of this state shall provide procedures to implement the provisions of this  
151 subsection."

152 **SECTION 3.**

153 Said chapter is further amended in Article 34, relating to intradistrict transfers, by revising  
154 Code Section 20-2-2131, relating to enrollment of students in school to which not originally  
155 assigned, procedure, annual notification, and exception, as follows:

156 "20-2-2131.

157 (a)(1) Beginning in school year 2009-2010, the parent of a student enrolled in a public  
158 elementary or secondary school in this state may elect to enroll such student in a public  
159 school that is located within the school system in which the student resides other than the  
160 one to which the student has been assigned by the local board of education if such school  
161 has classroom space available after its assigned students have been enrolled. The parent  
162 shall assume the responsibility and cost of transportation of the student to and from the  
163 school. If the number of students seeking to enroll in a school pursuant to the open  
164 enrollment process provided for in this Code section exceeds the number of spaces that  
165 are available, the local school system shall determine which such students to enroll on the  
166 basis of a lottery system.

167 (2) No later than July 1, 2009, each local school system shall establish a universal,  
168 streamlined open enrollment process available to all students to implement the transfer  
169 requirements of paragraph (1) of this subsection.

170 (3) A student who transfers to another school pursuant to the open enrollment process  
171 provided for in this subsection Code section may, at his or her election, continue to attend  
172 such school until the student completes all grades of the school.

173 (4) This ~~subsection~~ Code section shall not be construed to affect any student currently  
174 attending a school other than the school to which the student has been assigned by the

175 local board of education pursuant to a ~~an authorized~~ transfer ~~authorized under the federal~~  
176 ~~No Child Left Behind Act (P.L. 107-110).~~

177 (5) No student shall be denied an opportunity to transfer schools pursuant to the open  
178 enrollment process provided for in this Code section on the basis of his or her residential  
179 address, ability, disability, race, ethnicity, sex, or socioeconomic status.

180 (b) The department shall establish a model universal, streamlined process to implement  
181 ~~the transfer provisions of~~ this Code section. Each local board of education shall adopt a  
182 universal, streamlined ~~transfer~~ open enrollment process that includes, at a minimum, such  
183 state model. Such local process shall include ~~a deadline for submitting transfer requests~~  
184 an annual determination of the enrollment capacity of each of its schools for each grade  
185 level and the number of vacancies for each grade, which shall be posted on the local school  
186 system's public website by the first day of each month. A local school system shall  
187 measure only the capacity by grade level and shall not measure capacity by specialized  
188 program. Schools shall accept student transfers throughout the school year as capacity  
189 allows.

190 (c) Each local school system shall annually notify prior to each school year the parents of  
191 each student by letter, by electronic means, or by such other reasonable means in a timely  
192 manner of the options available to parents under this article, including all relevant dates and  
193 deadlines. As a part of such annual notification process, each local school system shall  
194 post in a prominent location on its public website the information required pursuant to this  
195 Code section.

196 (d) Within 45 calendar days of the initial application to enroll in a school pursuant to the  
197 open enrollment process provided for in this Code section, the local school system to which  
198 the student is applying shall notify the parent of such student whether the transfer request  
199 is approved or denied. For each open enrollment transfer request that is denied by a local  
200 school system:

201 (1) The local school system shall notify the parent of the student of the denial in writing  
202 within five calendar days of the decision;

203 (2) The parent of the student shall be entitled to appeal the denial to the State Board of  
204 Education within ten calendar days of receiving the written notification of the denial by  
205 submitting to the State Board of Education and the local school superintendent of the  
206 local school system that denied the open enrollment transfer request a written notice of  
207 appeal on a form prescribed by the State Board of Education;

208 (3) The appeal provided for in paragraph (2) of this subsection shall be considered by the  
209 State Board of Education at its next regularly scheduled meeting, where the appealing  
210 parent and a representative from the local school system that denied the open enrollment  
211 transfer request shall be permitted to address the State Board of Education.

212 ~~The local school system shall notify parents by July 1 of each year which schools have~~  
213 ~~available space and to which of these schools parents may choose to request a transfer for~~  
214 ~~their children.~~

215 (e) This Code section shall not apply to charter schools; provided, however, that each local  
216 board of education shall adopt a universal, streamlined transfer process that allows for  
217 transfers pursuant to paragraph (2) of subsection (d) of Code Section 20-2-2066.

218 (f) This Code section shall not apply to newly opened schools with available classroom  
219 space for a period of four years after the school opens.

220 (g) Each local school system shall report annually to the State School Superintendent the  
221 number of students who reside in the local school system who transferred to another school  
222 within such local school system pursuant to the open enrollment process provided for in  
223 this Code section and the number of transfer requests that such local school system  
224 received, approved, and denied, along with the reason for each denial. The State School  
225 Superintendent shall publish such data annually on the Department of Education's public  
226 website."

227 **SECTION 4.**

228 This Act shall become effective on July 1, 2025.

229 **SECTION 5.**

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