

The House Committee on Education offers the following substitute to HB 1257:

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 revise provisions for incentive grants for local
3 boards of education to approve charter school petitions; to revise provisions for the Office
4 of Charter School Compliance; to revise provisions relative to charter petitions by existing
5 charter schools; to revise provisions relative to state charter school records; to revise
6 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
10 secondary education, is amended in Article 31, the "Charter Schools Act of 1998," by
11 revising Code Section 20-2-2064.2, relating to promotion of approval of new local charter
12 school petitions and incentive grants, as follows:

13 "20-2-2064.2.

14 (a) The ~~State Board of Education~~ state board, in collaboration with the ~~State Charter~~
15 ~~Schools Commission~~ Office of Charter School Compliance, shall establish a program for
16 the purposes of promoting and supporting the approval of new local charter school petitions

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17 by local boards of education and to provide incentive grants to local boards of education
18 that approve new local charter school petitions. The ~~State Charter Schools Commission~~
19 state board shall promulgate such rules and regulations as it deems necessary to carry out
20 the provisions and intent of this Code section.

21 (b)(1) Subject to appropriations, for each new local charter school petition approved by
22 a local board of education after June 30, 2025, such local board of education shall receive
23 an incentive grant of \$250,000.00 by ~~August 1~~ September 1 of each of the first three
24 years of such local charter school's operation following such approval, provided that such
25 local charter school remains authorized by such local board of education. In the event
26 that available appropriations are not sufficient to cover the total amount of ~~such~~ the
27 incentive grants provided for in this subsection, the amount of each such grant shall be
28 reduced proportionally, providing incentive grants in equal amounts to each such local
29 board of education.

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

33 (3) The total amount of incentive grants provided under this subsection shall not exceed
34 \$2.25 million in any fiscal year.

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

40 (d) The Department of Education shall ~~implement and administer~~ distribute the incentive
41 ~~grant program provided for in~~ grants authorized pursuant to subsection (b) of this Code
42 section and the Office of Charter School Compliance shall provide any technical assistance

43 necessary to local school systems ~~in to~~ support of compliance with the requirements of this
 44 Code section.

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

46 **SECTION 2.**

47 Said chapter is further amended in said article by revising paragraph (4) of subsection (b) of
 48 Code Section 20-2-2065, relating to waiver of provisions of this title, requirements for
 49 operating, and control and management, as follows:

50 "(4) Organized and operated as a nonprofit corporation or company under the laws of this
 51 state; provided, however, that this paragraph shall not apply to any charter petitioner that
 52 is a local school, local school system, or state or local public entity;"

53 **SECTION 3.**

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

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

- 62 (1) Prepare charter school guidelines to be approved by the state board;
 63 (2) Distribute charter school petition information to inquiring parties;
 64 (3) Process all charter school petitions and coordinate with the Charter Advisory
 65 Committee established pursuant to Code Section 20-2-2063.1 to facilitate its such
 66 committee's review and recommendations to the state board;

- 67 (4) Administer ~~any state or federal~~ charter school ~~implementation grant program~~ grant
 68 programs;
- 69 (5) Contract with an independent party to evaluate the performance of charter schools,
 70 as such performance relates to fulfilling the terms of their charters;
- 71 (6) Compile information necessary to produce the annual report required by Code
 72 Section 20-2-2070, which shall include, but shall not be limited to, information regarding
 73 the effectiveness of the ~~incentives~~ incentive grants and the adherence of local school
 74 systems to the requirements provided for in Code Sections 20-2-2064 and 20-2-2064.2;
- 75 (7) Prepare guidelines for local boards of education for the evaluation of charter school
 76 petitions. Such guidelines shall be published on the ~~public~~ website of the Department of
 77 Education and shall include:
- 78 (A) Criteria for evaluating the academic, operational, and financial plans of the charter
 79 petitioner;
- 80 (B) Best practices for conducting a thorough and objective review of charter petitions;
- 81 (C) Procedures for public hearings and community input on charter petitions; and
- 82 (D) A standardized evaluation rubric for use by local boards of education during the
 83 evaluation of charter petitions; and
- 84 (8) Provide technical assistance to local school systems as charter school authorizers,
 85 support local school systems as needed to implement best practices in charter school
 86 authorization, and regularly engage with local school systems to promote charter school
 87 authorization at the local level."

88 SECTION 4.

89 Said chapter is further amended in Article 31A, relating to state charter schools, by revising
 90 paragraph (4) of Code Section 20-2-2081, relating to definitions, as follows:

91 "(4) 'Governing board' means the governing board of the nonprofit organization or a
 92 subsidiary under its exclusive control which is the charter petitioner for a state charter

93 school and which is the same as the governing board of the state charter school which is
94 involved in ~~school-level~~ school level governance of the state charter school."

95 **SECTION 5.**

96 Said chapter is further amended in said article by revising Code Section 20-2-2085, relating
97 to petitions by existing charter schools, as follows:

98 "20-2-2085.

99 A petition may be submitted pursuant to this Code section by an existing charter school
100 approved by a local board of education or the State Board of Education, provided that the
101 obligations of its charter with the local board of education or State Board of Education will
102 expire prior to entering into a new charter with the commission. The commission shall not
103 act on a petition submitted pursuant to this Code section unless the local board of education
104 that authorizes the charter school has voted to terminate or nonrenew the charter contract
105 or otherwise fails to renew the charter contract by a date established by the State Board of
106 Education. Upon the existing charter school's request, a local board of education or the
107 State Board of Education in the case of a state chartered special school may agree to
108 rescind or waive the obligations of a current charter to allow a petition to be submitted by
109 an existing charter school pursuant to this Code section. An existing charter school that is
110 established as a state charter school pursuant to this Code section shall be allowed to
111 continue the use of all facilities, equipment, and other assets it used prior to the expiration
112 or rescission of its charter with a local board of education; provided, however, that the local
113 board of education shall be authorized to charge or continue to charge a reasonable fee for
114 use of the facilities."

115 **SECTION 6.**

116 Said chapter is further amended in said article by revising subsection (b) of Code
117 Section 20-2-2088.1, relating to ownership and maintenance of state charter school records,
118 as follows:

119 "(b) In the event that a state charter school ceases operations for any reason, including, but
120 not limited to, the termination, nonrenewal, or abandonment of the state charter school's
121 charter, the nonprofit entity which held the charter contract shall retain ownership,
122 including all incumbent responsibilities of an operational state charter school, of all records
123 for a period of ~~one year~~ 180 days from the later of the date the charter contract expired, the
124 date the charter contract was terminated, or the date the state charter school ceased
125 operations. Incumbent responsibilities include, but are not limited to, transferring student
126 records to public or private schools, schools operated by the Department of Juvenile
127 Justice, and the local school system or schools from which the records are requested. After
128 the ~~one-year~~ 180 day period, the nonprofit entity which held the charter contract shall
129 transfer all records, including student records, to the commission in the format and manner
130 specified by the commission."

131 **SECTION 7.**

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