

Senate Bill 475

By: Senators Kemp of the 38th, Dixon of the 45th, Payne of the 54th, Halpern of the 39th,
Howard of the 35th and others

AS PASSED SENATE

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 that a petition signed by 10 percent of
3 the qualified voters in an independent school system shall be required in order to hold an
4 election to determine whether to annul the special law of the independent school system so
5 that it becomes a part of the respective county school system or systems in which the territory
6 of the independent school system is located; to repeal outdated terms and provisions; to make
7 conforming changes; to require local boards of education to treat local charter schools no less
8 favorably than other local schools with respect to the expenditure of the proceeds of a special
9 purpose local option sales tax for education; to provide for an effective date; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended in Article 8, relating to consolidation of independent and
15 county school systems, by revising Code Section 20-2-370, relating to referendum on repeal
16 of special school law and consolidation of systems, as follows:

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17 "20-2-370.
 18 Whenever the ~~citizens of a municipality or~~ qualified voters of the territory included in an
 19 independent school system ~~district authorized by law to establish and maintain a system~~
 20 ~~of schools by local taxation in whole or in part are operating a system of public schools~~
 21 ~~independent of the county school system and wish to annul their special school~~ the local
 22 law establishing such independent school system and become a part of ~~the~~ each respective
 23 county school system in which such territory is located, they shall present and file with the
 24 governing authority of the city in which such independent school system is located a
 25 petition signed by ~~one-fourth~~ 10 percent of the qualified voters of ~~their~~ the territory
 26 included in the independent school system; and ~~the~~ such governing authority shall then
 27 submit the question at an election to be held in accordance with Chapter 2 of Title 21. A
 28 majority of those voting shall be necessary to carry the election. Only qualified voters
 29 residing within the ~~municipality or district~~ territory included in the independent school
 30 system for six months prior to the election shall vote. An election shall not be held for the
 31 same purpose more often than every 12 months."

32 **SECTION 2.**

33 Said chapter is further amended in said article by revising Code Section 20-2-371, relating
 34 to proceedings when vote favors repeal and consolidation, as follows:

35 "20-2-371.

36 When the results of an election held under Code Section 20-2-370 are declared and
 37 published in favor of repealing such independent school system, making the territory
 38 included in the independent school system thereby to become a part of ~~the~~ each respective
 39 county school system in which such territory is located, such independent ~~or local~~ school
 40 system shall continue to function under its local laws, organizations, and regulations until
 41 ~~the~~ each respective county board of education shall arrange for the operation by them of

42 such school or schools within the local independent school system as a part of their public
 43 each respective county school system in which such territory is located."

44 **SECTION 3.**

45 Said chapter is further amended in said article by revising Code Section 20-2-372, relating
 46 to effect of repeal and consolidation, as follows:

47 "20-2-372.

48 Where any ~~local or independent~~ school system is repealed by and in the manner provided
 49 for in Code Sections 20-2-370 and 20-2-371, the territory formerly included in such
 50 independent school system shall become and constitute a ~~school district~~ part of the each
 51 county school system in which it such territory is located and shall enjoy the same
 52 privileges and shall be governed by the same laws as ~~other school districts in the existing~~
 53 parts of such county school system or systems, including the authority to levy local taxes
 54 for school purposes; provided, however, that the rate for such taxation shall not exceed the
 55 rate allowed by law to other similar school districts."

56 **SECTION 4.**

57 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by adding
 58 a new subsection to Code Section 20-2-2068.1, relating to charter school funding, to read as
 59 follows:

60 "(c.4) A local board of education shall treat a local charter school no less favorably than
 61 other local schools within the applicable local school system with respect to the
 62 expenditure of the proceeds of a sales tax for educational purposes authorized by
 63 Article VIII, Section VI, Paragraph IV of the Constitution of Georgia; provided, however,
 64 that a local school system shall have no obligation to expend proceeds of such sales tax for
 65 the purchase or improvement of property or facilities owned by a local charter school or
 66 any entity other than the local school system."

67

SECTION 5.

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

70

SECTION 6.

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