

**ADOPTED**

Senator Dixon of the 45th offered the following amendment #1:

1 *Amend the House substitute to SB 10 (LC 48 1626S) by replacing lines 1 through the end*  
2 *with the following:*

3 To amend Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to  
4 facilities grants for charter schools, purposes for which grants may be used, upkeep of charter  
5 school property, and availability of unused facilities, so as to revise provisions relating to the  
6 use of unused facilities by charter schools and charter school petitioners; to provide for  
7 negotiations between local boards of education and charter schools and charter school  
8 petitioners; to provide for conditions on such use or purchase of unused facilities; to provide  
9 for appeals and petitions; to revise a definition; to provide for an effective date and  
10 applicability; to provide for related matters; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to facilities  
15 grants for charter schools, purposes for which grants may be used, upkeep of charter school  
16 property, and availability of unused facilities, is amended by revising subsection (h) as  
17 follows:

18 "(h)(1) As used in this subsection, the term 'unused facilities' means real property of a  
19 local board of education, including educational facilities, as defined in Code Section  
20 20-2-260, which are not in use or have not been used within the previous two school  
21 years by the local board of education ~~for the previous two years and which are not~~

22 included in the local school system's five-year educational facilities plan for the education  
23 and direct instruction of students in the curriculum and content standards established  
24 pursuant to Part 2 of Article 6 of this chapter.

25 (2) ~~Each~~ If requested by a charter school or charter school petitioner, each local board  
26 of education shall negotiate in good faith to make its unused facilities available for lease  
27 or purchase to local charter schools and state charter schools, or a state charter school that  
28 submits a petition pursuant to Code Section 20-2-2064 or 20-2-2084 to operate a charter  
29 school. The terms of a ~~local~~ charter school's or charter school petitioner's use or purchase  
30 of a facility owned by a local board of education shall be subject to negotiation between  
31 the local board and the local charter school and shall be memorialized as a separate  
32 agreement. A ~~local~~ charter school or charter school petitioner that is allowed to use such  
33 a facility under such an agreement shall not sell or dispose of any interest in such  
34 property without the written permission of the local board of education. A local charter  
35 school may not be charged a rental or leasing fee for the existing facility or for property  
36 normally used by the public school which became the local charter school. ~~A local~~  
37 ~~charter school that receives property from a local board may not sell or dispose of such~~  
38 ~~property without the written permission of the local board.~~

39 (3) Prior to denying the use or purchase by a local charter school of an unused facility,  
40 or if the local board of education and the charter school dispute whether the facility is an  
41 unused facility as provided for in paragraph (1) of this subsection, the local charter school  
42 shall have the right to a hearing before the local board of education in accordance with  
43 Code Section 20-2-1160, including the right to appeal an adverse local board decision.  
44 Notwithstanding any provision in Code Section 20-2-1160 to the contrary, the local  
45 charter school shall be permitted to appeal the decision by a local board of education to  
46 deny the use or purchase by a local charter school of an unused facility to the Office of  
47 Charter School Compliance. Such appeal to the Office of Charter School Compliance

48 shall not be construed or applied to foreclose, waive, or otherwise prejudice any right of  
49 the local charter school provided for in Code Section 20-2-1160.

50 (4) If a local board of education and a state charter school or charter school petitioner do  
51 not agree on terms for use or sale of an unused facility after negotiations between the  
52 parties, or if such parties dispute whether the facility is an unused facility as provided for  
53 in paragraph (1) of this subsection, the charter school or charter school petitioner shall  
54 be permitted to submit a written petition to the Office of Charter School Compliance  
55 requesting that the Office of Charter School Compliance determine in writing whether  
56 the parties acted in good faith during such negotiations. The Office of Charter School  
57 Compliance shall be authorized to attempt to resolve any dispute between the parties to  
58 negotiate a contract to lease or sell the unused facility.

59 (5) The right of a charter school or charter school petitioner to lease, utilize, or buy the  
60 unused facility shall automatically terminate, effective at the end of the current school  
61 year, upon the adoption of a resolution by the local board of education to reopen the  
62 school previously operated at the unused facility or to open a new school at the unused  
63 facility, provided that the attendance zone of such reopened school or new school shall  
64 comprise at least 90 percent of the attendance zone of the school previously operated at  
65 the unused facility.

66 (6) This subsection shall apply only to school buildings that were designed and  
67 constructed for use as school buildings for the purpose of providing direct instruction and  
68 educational services to students. This subsection shall not apply to the central or  
69 administrative offices of local boards of education.

70 (7) Any sale or conveyance of a school building or site under this subsection shall  
71 comply with Article III, Section VI, Paragraph VI(a) of the Georgia Constitution."

72 **SECTION 2.**

73 This Act shall become effective on July 1, 2026, and shall apply to all school years beginning  
74 with the 2026-2027 school year.

75 **SECTION 3.**

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