**ADOPTED**

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

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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

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

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

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

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

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

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

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

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

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

**SECTION 2.**

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

**SECTION 3.**

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