

House Bill 957 (AS PASSED HOUSE AND SENATE)

By: Representatives Jones of the 47th, Jasperse of the 11th, Cheokas of the 138th, Nix of the 69th, and Setzler of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education
2 generally, so as to provide that certain charter school employees shall be included in the
3 health insurance fund for public school teachers; to provide that local start-up charter schools
4 and state charter schools shall require proof of residency either at the time of application or
5 enrollment; to extend the terms of members appointed to the State Charter Schools
6 Commission; to provide for ownership and handling of student records by state charter
7 schools; to revise the deadline for the virtual school performance audit; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Title 20 of the Official Code of Georgia Annotated, relating to education generally, is
11 amended by revising paragraph (4) of Code Section 20-2-880, relating to definitions for a
12 health insurance plan for public school teachers, as follows:

14 "(4) 'Public school teacher,' 'teacher,' and 'employee' mean any person employed not less
15 than half time in a professionally certificated capacity or position in the public school
16 systems of this state. 'Public school teacher,' 'teacher,' and 'employee' also mean
17 librarians and other personnel employed not less than 30 hours per week by regional and
18 county libraries. 'Public school teacher,' 'teacher,' and 'employee' also mean personnel
19 employed by the high school program of Georgia Military College. 'Public school
20 teacher,' 'teacher,' and 'employee' also mean any professionally certificated person who
21 has acquired ten years or more of creditable service and who is being paid retirement
22 benefits by the Teachers Retirement System of Georgia, Chapter 3 of Title 47, or by any
23 other public school teacher retirement system in this state. 'Public school teacher,'
24 'teacher,' and 'employee' also mean any person employed not less than half time and
25 compensated in a professionally certificated capacity or position in a charter school in
26 this state established pursuant to either Article 31 or 31A of Chapter 2 of Title 20 ~~this~~

27 chapter if such charter school elects upon initial approval of its charter or, if such charter
 28 school is an existing charter school, elects upon notice by the health insurance plan
 29 provided in this part or upon the expiration of its current health care plan or by no later
 30 than December 31, 2009, to participate in the health insurance plan established pursuant
 31 to this subpart. 'Public school teacher,' 'teacher,' and 'employee' shall not be deemed to
 32 include any emergency or temporary employee. Notwithstanding this definition or any
 33 other provision of this subpart, the board may, by regulation, make available to
 34 employees who work 17 1/2 hours or more per week such benefits as are required to be
 35 made available to such employees by regulations of the United States Internal Revenue
 36 Service or any other federal authority."

37 **SECTION 2.**

38 Said title is further amended by revising subsections (a) and (b) of Code Section 20-2-2066,
 39 relating to admission, enrollment, and withdrawal of charter school students, as follows:

40 "(a) A local charter school shall enroll students in the following manner:

41 (1)(A) A start-up charter school shall enroll any student who, ~~at the time of enrollment,~~
 42 resides in the attendance zone specified in the charter and who submits a timely
 43 application as specified in the charter unless the number of applications exceeds the
 44 capacity of a program, class, grade level, or building. The governing board of the
 45 charter school shall require proof of residency either at the time of application or
 46 enrollment. Except for educationally disadvantaged students who may be provided an
 47 increased chance of admission through a weighted lottery if permitted by the school's
 48 charter, all such applicants shall have an equal chance of being admitted through a
 49 random selection process unless otherwise prohibited by law; provided, however, that
 50 a start-up charter school may give enrollment preference to applicants in any one or
 51 more of the following categories in the order of priority specified in the charter:

- 52 (i) A sibling of a student enrolled in the start-up charter school;
- 53 (ii) A sibling of a student enrolled in another local school designated in the charter;
- 54 (iii) A student whose parent or guardian is a member of the governing board of the
 55 start-up charter school or is a full-time teacher, professional, or other employee at the
 56 start-up charter school;
- 57 (iv) Students matriculating from a local school designated in the charter; and
- 58 (v) Children who matriculate from a pre-kindergarten program which is associated
 59 with the school, including, but not limited to, programs which share common facilities
 60 or campuses with the school or programs which have established a partnership or
 61 cooperative efforts with the school.

62 (B) A conversion charter school shall enroll any student who resides in the attendance
 63 zone specified in the charter and who submits a timely application as specified in the
 64 charter. If the number of applying students who reside in the attendance zone does not
 65 exceed the capacity as specified in the charter, additional students shall be enrolled
 66 based on a random selection process, except for educationally disadvantaged students
 67 who may be provided an increased chance of admission through a weighted lottery if
 68 permitted by the school's charter; provided, however, that a conversion charter school
 69 may give enrollment preference to applicants in any one or more of the following
 70 categories in the order of priority specified in the charter:

- 71 (i) A sibling of a student enrolled in the conversion charter school or in any school
 72 in the high school cluster;
- 73 (ii) A student whose parent or guardian is a member of the governing board of the
 74 conversion charter school or is a full-time teacher, professional, or other employee at
 75 the conversion charter school;
- 76 (iii) Students who were enrolled in the local school prior to its becoming a
 77 conversion charter school;
- 78 (iv) Students who reside in the attendance zone specified in the charter; and
- 79 (v) Children who matriculate from a pre-kindergarten program which is associated
 80 with the school, including, but not limited to, programs which share common facilities
 81 or campuses with the school or programs which have established a partnership or
 82 cooperative efforts with the school; and

83 (2) A student who resides outside the school system in which the local charter school is
 84 located may not enroll in that local charter school except pursuant to a contractual
 85 agreement between the local boards of the school system in which the student resides and
 86 the school system in which the local charter school is located. Unless otherwise provided
 87 in such contractual agreement, a local charter school may give enrollment preference to
 88 a sibling of a nonresident student currently enrolled in the local charter school.

89 (b) A state chartered special school shall enroll any student who, ~~at the time of enrollment,~~
 90 resides in the attendance zone specified in the charter and who submits a timely application
 91 as specified in the charter unless the number of applications exceeds the capacity of a
 92 program, class, grade level, or building. The governing board of the charter school shall
 93 require proof of residency either at the time of application or enrollment. The period of
 94 time during which an application for enrollment may be submitted shall be specified in the
 95 charter. Except for educationally disadvantaged students who may be provided an
 96 increased chance of admission through a weighted lottery if permitted by the school's
 97 charter, all such applicants shall have an equal chance of being admitted through a random
 98 selection process unless otherwise prohibited by law; provided, however, that a state

99 chartered special school may give enrollment preference to applicants in any one or more
100 of the following categories in the order of priority specified in the charter:

- 101 (1) A sibling of a student enrolled in the state chartered special school;
102 (2) A sibling of a student enrolled in another local school designated in the charter;
103 (3) A student whose parent or guardian is a member of the governing board of the state
104 chartered special school or is a full-time teacher, professional, or other employee at the
105 state chartered special school;
106 (4) Students matriculating from a local school designated in the charter; and
107 (5) Children who matriculate from a pre-kindergarten program which is associated with
108 the state chartered special school, including, but not limited to, programs which share
109 common facilities or campuses with the school or programs which have established a
110 partnership or cooperative efforts with the school."

111 **SECTION 3.**

112 Said title is further amended by revising subsection (b) of Code Section 20-2-2082, relating
113 to State Charter Schools Commission, members, and operations, as follows:

114 "(b) The commission shall be appointed by the State Board of Education and shall be
115 composed of a total of seven members and made up of three appointees recommended by
116 the Governor, two appointees recommended by the President of the Senate, and two
117 appointees recommended by the Speaker of the House of Representatives. The Governor,
118 the President of the Senate, and the Speaker of the House of Representatives shall each
119 recommend a list of no fewer than two nominees for each appointment to the commission.
120 The appointments shall be made as soon as feasible but no later than the first regular
121 meeting of the State Board of Education in February, 2013. Each member appointed on
122 or after July 1, 2020, shall serve a term of two four years; ~~provided, however, that, for the~~
123 ~~purpose of providing staggered terms, of the initial appointments, three members shall be~~
124 ~~appointed to one-year terms and four members shall be appointed to two-year terms as~~
125 ~~determined by the State Board of Education. Thereafter, each appointee shall serve a~~
126 ~~two-year term~~ unless the State Board of Education, after review and upon recommendation
127 by the initial recommending authority, extends the appointment. ~~If a vacancy occurs on~~
128 ~~the commission, it shall be filled~~ Vacancies in appointed positions shall be filled for the
129 remainder of the term by the State Board of Education from a recommendation by the
130 appropriate authority according to the procedure set forth in this subsection. The members
131 of the commission shall annually vote to appoint a chairperson and a vice chairperson from
132 among its membership. Each member of the commission shall hold a bachelor's degree or
133 higher, and the commission should include a group of diverse individuals representative

134 of Georgia's school population, to the extent possible, with respect to race, sex, and
 135 geography who have experience in finance, administration, law, and education."

136 **SECTION 4.**

137 Said title is further amended by adding a new Code section to Article 31A of Chapter 2,
 138 relating to state charter schools, to read as follows:

139 "20-2-2088.1.

140 (a) Except as provided for in subsection (b) of this Code section, records created, received,
 141 or maintained in the performance of a charter by a state charter school shall be the property
 142 of the state charter school. Nothing in this subsection shall preclude a state charter school
 143 from contracting with a third party for services related to the creation and maintenance of
 144 records; provided, however, that at no time shall the third party withhold or otherwise
 145 prevent access to any record which is the property of the state charter school; and provided,
 146 further, that such contract expressly provides that the third party shall comply with
 147 applicable federal, state, and local laws relating to the confidentiality or privacy of the
 148 records that are the subject of such contract.

149 (b) In the event that a state charter school ceases operations for any reason, including, but
 150 not limited to, the termination, nonrenewal, or abandonment of the state charter school's
 151 charter, the nonprofit entity which held the charter contract shall retain ownership,
 152 including all incumbent responsibilities of an operational state charter school, of all records
 153 for a period of one year from the later of the date the charter contract expired, the date the
 154 charter contract was terminated, or the date the state charter school ceased operations.
 155 Incumbent responsibilities include, but are not limited to, transferring student records to
 156 public or private schools, schools operated by the Department of Juvenile Justice, and the
 157 local school system or schools from which the records are requested. After the one-year
 158 period, the nonprofit entity which held the charter contract shall transfer all records,
 159 including student records, to the commission in the format and manner specified by the
 160 commission.

161 (c) Nothing in this Code section shall be construed to limit the inspection of public records
 162 as provided for in Article 4 of Chapter 18 of Title 50."

163 **SECTION 5.**

164 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
 165 20-2-2093, relating to annual report on state charter schools that offer virtual instruction,
 166 minimum requirements, and publication on website, as follows:

167 "(3) The Department of Audits and Accounts shall submit the annual report on each state
 168 charter school that offers virtual instruction to the commission, the State Board of

169 Education, the Governor, the Speaker of the House of Representatives, and the Lieutenant
170 Governor by ~~December~~ April 1 of each year. The annual report shall also be posted on
171 the state charter school's official website."

172 **SECTION 6.**

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