

House Bill 1215 (AS PASSED HOUSE AND SENATE)

By: Representatives Thomas of the 21st, Wade of the 9th, Jones of the 47th, Carson of the 46th, Gullett of the 19th, and others

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 and provide for certain definitions; to
3 provide for students to withdraw without penalty from a local school in the school system
4 in which such student resides and enroll in a charter school with available classroom space;
5 to require local boards of education to adopt a universal, streamlined transfer process that
6 allows for such transfers; to require local boards of education to periodically adjust the
7 calculated amount of allocated local revenue based upon collected local revenues; to repeal
8 certain reporting requirements for the Department of Audits and Accounts regarding certain
9 charter schools that offer virtual instruction; to provide for related matters; to repeal
10 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 by revising Code Section 20-2-2062, relating to definitions
15 under the Charter Schools Act of 1998, as follows:

16 "20-2-2062.

17 As used in this article, the term:

18 (1) 'Charter' means a performance based contract between a local board and a charter
19 petitioner, the terms of which are approved by the local board and by the state board in
20 the case of a local charter school; between the state board and a charter petitioner, the
21 terms of which are approved by the state board in the case of a state chartered special
22 school; or between a local board and the state board, the terms of which are approved by
23 the state board in the case of a charter system. By entering into a charter, a charter
24 petitioner and local board shall be deemed to have agreed to be bound to all the
25 provisions of this article as if such terms were set forth in the charter.

26 (1.1) 'Charter attendance zone' means all or any portion of the local school system in
27 which the charter school is located and may include all or any portion of other local
28 school systems if the charter school is jointly authorized pursuant to subsection (c) of
29 Code Section 20-2-2063.

30 (2) 'Charter petitioner' means a local school, local board of education, private individual,
31 private organization, or state or local public entity that submits or initiates a petition for
32 a charter. The term 'charter petitioner' does not include home study programs or schools,
33 sectarian schools, religious schools, private for profit schools, private educational
34 institutions not established, operated, or governed by the State of Georgia, or existing
35 private schools. On and after July 1, 2013, a charter for a local charter school, if
36 approved, shall be a three-party agreement between a charter petitioner, a local board of
37 education, and the State Board of Education, and the charter petitioner for such local
38 charter school shall be a party other than the local board of education.

39 (3) 'Charter school' means a public school that:

40 (A) Operates ~~is operating~~ under the terms of a charter that is subject to the provisions
41 of this article or Article 31A of this chapter;

42 (B) Operates under the supervision and direction of a charter school governing board;

43 (C) Has a school code assigned by the Department of Education; and

44 (D) Is the subject of a school report card prepared and distributed by the Office of
45 Student Achievement as provided in Code Section 20-14-34.

46 (3.1) 'Charter school governing board' or 'governing board' means the governing board
47 of the nonprofit organization that is involved in school-level governance of the local
48 charter school and that is subject to the training requirements provided for in Code
49 Section 20-2-2072.

50 ~~(3.1)~~(3.2) 'Charter system' means a local school system that is operating under the terms
51 of a charter pursuant to Code Section 20-2-2063.2.

52 (4) 'Conversion charter school' means a charter school that existed as a local school prior
53 to becoming a charter school.

54 (4.1) 'Educationally disadvantaged students' means all or a subset of the following:
55 students who are economically disadvantaged, students with disabilities, limited English
56 proficient students, neglected or delinquent students, and homeless students, as each such
57 subset is defined by the State Board of Education in accordance with federal education
58 guidelines and regulations.

59 (5) 'Faculty and instructional staff members' means all certificated personnel assigned
60 to the school on a full-time basis and all paraprofessionals assigned to the school on a
61 full-time basis. The term 'paraprofessional' shall have the same meaning as set out in
62 Code Section 20-2-204.

63 (5.1) 'Governing council' means a school level council of parents, teachers,
64 administrators, and others who are involved in school level governance within a charter
65 system.

66 (5.2) 'High school cluster' means a high school and all of the middle and elementary
67 schools which contain students who matriculate to such high school. The schools in a
68 high school cluster may include charter schools, local schools, or a combination of both.

69 (6) 'Local board' means a county or independent board of education exercising control
70 and management of a local school system pursuant to Article VIII, Section V,
71 Paragraph II of the Constitution.

72 (7) 'Local charter school' means a conversion charter school or start-up charter school
73 that is authorized by a local board and the state board to operate ~~operating~~ under the terms
74 of a charter ~~between~~ approved by the charter petitioner, and the local board, and the state
75 board.

76 (8) 'Local revenue' means local taxes budgeted for school purposes in excess of the local
77 five mill share, combined with any applicable equalization grant and budgeted revenues
78 from any of the following: investment earnings, unrestricted donations, and the sale of
79 surplus property; but exclusive of revenue from bonds issued for capital projects, revenue
80 to pay debt service on such bonds and local option sales tax for capital projects. Nothing
81 in this paragraph shall be construed to prevent a local board from including a local charter
82 school in projects specified in the ballot language of a local option sales tax or bond
83 referendum.

84 (9) 'Local school' means a public school in Georgia that is under the management and
85 control of a local board.

86 (10) 'Local school system' means the system of public schools established and
87 maintained by a local board within its limits pursuant to Article VIII, Section V,
88 Paragraph I of the Constitution.

89 (11) 'Petition' means a proposal to establish a charter school or a charter system.

90 (12) 'QBE formula earnings' means funds earned for the Quality Basic Education
91 Formula pursuant to Code Section 20-2-161, including the portion of such funds that are
92 calculated as the local five mill share in accordance with Code Section 20-2-164.

93 (12.1) 'School level governance' means decision-making authority in personnel
94 decisions, financial decisions, curriculum and instruction, resource allocation,

95 establishing and monitoring the achievement of school improvement goals, and school
96 operations.

97 (13) 'Special school' means a school whose creation is authorized pursuant to
98 Article VIII, Section V, Paragraph VII of the Constitution.

99 (14) 'Start-up charter school' means a charter school that did not exist as a local school
100 prior to becoming a charter school.

101 (15) 'State board' means the State Board of Education.

102 (16) 'State chartered special school' means a charter school created as a special school
103 that is ~~operating~~ authorized by the state board to operate under the terms of a charter
104 between the charter petitioner and the state board.

105 (17) 'System charter school' means a school within a charter system."

106

SECTION 2.

107 Said chapter is further amended in Code Section 20-2-2066, relating to admission enrollment,
108 and withdrawal of students under the Charter Schools Act of 1998, by revising subsection
109 (d) as follows:

110 "(d)(1) A student may withdraw without penalty from a charter school at any time and
111 enroll in a local school in the school system in which such student resides as may be
112 provided for by the policies of the local board. A student who is suspended or expelled
113 from a charter school as a result of a disciplinary action taken by a charter school shall
114 be entitled to enroll in a local school within the local school system in which the student
115 resides, if, under the disciplinary policy of the local school system, such student would
116 not have been subject to suspension or expulsion for the conduct which gave rise to the
117 suspension or expulsion. In such instances, the local board shall not be required to
118 independently verify the nature or occurrence of the applicable conduct or any evidence
119 relating thereto.

120 (2) A student may withdraw without penalty from a local school in the school system in
121 which such student resides at any time and enroll in a charter school with available
122 classroom space in accordance with the enrollment provisions of this Code section."

123 **SECTION 3.**

124 Said chapter is further amended in Code Section 20-2-2068.1, relating to charter school
125 funding, by revising subsections (c) and (c.3) as follows:

126 "(c) In addition to the earnings set out in subsection (b) of this Code section, local revenue
127 shall be allocated to a local charter school on the same basis as for any local school in the
128 local school system; provided, however, that the calculation of such allocation of local
129 revenue shall be adjusted at least semiannually based upon collected local revenues. In the
130 case of a start-up charter school, local revenue earnings shall be calculated as follows:

131 (1) Determine the total amount of state and local five mill share funds earned by students
132 enrolled in the local start-up charter school as calculated by the Quality Basic Education
133 Formula pursuant to Part 4 of Article 6 of this chapter including any funds for
134 psychologists and school social workers but excluding 5 percent of system-wide funds
135 for central administration and excluding any categorical grants not applicable to the
136 charter school;

137 (2) Determine the total amount of state and local five mill share funds earned by all
138 students in the public schools of the local school system, including any charter schools
139 that receive local revenue, as calculated by the Quality Basic Education Formula but
140 excluding categorical grants and other non-QBE formula grants;

141 (3) Divide the amount obtained in paragraph (1) of this subsection by the amount
142 obtained in paragraph (2) of this subsection; and

143 (4) Multiply the quotient obtained in paragraph (3) of this subsection by the school
144 system's local revenue.

145 The product obtained in paragraph (4) of this subsection shall be the amount of local funds
146 to be distributed to the local start-up charter school by the local board; provided, however,
147 that nothing in this subsection shall preclude a charter petitioner and a local board of
148 education from specifying in the charter a greater amount of local funds to be provided by
149 the local board to the local start-up charter school if agreed upon by all parties to the
150 charter. Local funds so earned shall be distributed to the local start-up charter school by
151 the local board. Where feasible and where services are provided, funds for construction
152 projects shall also be distributed to the local start-up charter school as earned. In all other
153 fiscal matters, including applicable federal allotments, the local board shall treat the local
154 start-up charter school no less favorably than other local schools located within the
155 applicable school system and shall calculate and distribute the funding for the start-up
156 charter school on the basis of its actual or projected enrollment in the current school year
157 according to an enrollment counting procedure or projection method stipulated in the terms
158 of the charter. The local school system shall distribute to each local charter school the
159 proportionate amount of federal funds for which such local charter school is eligible under
160 each federal program, including, but not limited to, funds earned pursuant to Title I,
161 Title II, and Title III of the federal Elementary and Secondary Education Act and pursuant
162 to the federal Individuals with Disabilities Education Act; provided, however, that a local
163 charter school and a local board of education may mutually collaborate and agree upon
164 specific ways for some or all of the charter school's proportionate amount of federal funds
165 to be provided by the local school system through in-kind services, with the terms of such
166 mutual agreement to be included in the charter. Local charter schools shall use any federal
167 funds received pursuant to this subsection for the purposes of the federal program for
168 which they were earned."

169 "(c.3)(1) Each local board of education that has one or more local charter schools shall
170 provide each local charter school with a preliminary annual allotment sheet itemizing the
171 preliminary calculation of state, local, and federal allocations to be provided by the local

172 school system to the local charter school for the upcoming fiscal year not later than 45
173 calendar days after the local school system receives its preliminary annual allotment sheet
174 from the Department of Education.

175 (2) The local board of education shall publish in a prominent location on its website the
176 calculation of earnings to each local charter school made pursuant to subsections (a), (b),
177 and (c) of this Code section, including federal funds received by each local charter
178 school. Such calculations shall be published as soon as practicable prior to the
179 distribution of funds to the local charter school by the local board, and no later than
180 October 1 of each year, and shall be updated:

181 (A) Upon ~~upon~~ receipt of any additional federal funds received pursuant to state
182 reallocation of federal funds and distributed to local charter schools; and

183 (B) At least semiannually based upon collected local revenues.

184 Such calculations may be published in conjunction with the financial and transparency
185 information required to be published by local boards of education pursuant to Part 3B of
186 Article 2 of Chapter 14 of Title 20. In the event that the Department of Education makes
187 such calculations available on its website, a local board of education may post a link in
188 a prominent location on its website to the Department of Education's web page which
189 contains such calculations to comply with this subsection.

190 (3) In the event that the local board of education determines that an adjustment to the
191 allocation for a local charter school is necessary, including, but not limited to,
192 adjustments as provided for in subparagraph (B) of paragraph (2) of this subsection, the
193 local board of education shall provide the local charter school with 30 days' notice before
194 the allocation is adjusted, shall provide an amended itemized allotment sheet to the local
195 charter school, and shall publish the amended itemized allotment sheet in a prominent
196 location on its website."

197 **SECTION 4.**

198 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by
199 repealing Code Section 20-2-2076, relating to annual report on state chartered special schools
200 that offer virtual instruction, requirements, and publication on website.

201 **SECTION 5.**

202 Said chapter is further amended in Article 31A, relating to state charter schools, by repealing
203 Code Section 20-2-2093, relating to annual report on state charter schools that offer virtual
204 instruction, minimum requirements, and publication on website.

205 **SECTION 6.**

206 Said chapter is further amended in Code Section 20-2-2131, relating to enrollment of
207 students in school to which not originally assigned, procedure, annual notification, and
208 exception, by revising subsection (e) as follows:

209 "(e) This Code section shall not apply to charter schools; provided, however, that each
210 local board of education shall adopt a universal, streamlined transfer process that allows
211 for transfers pursuant to paragraph (2) of subsection (d) of Code Section 20-2-2066."

212 **SECTION 7.**

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