

House Bill 897 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Dudgeon of the 25<sup>th</sup>, Coleman of the 97<sup>th</sup>, Nix of the 69<sup>th</sup>, Clark of the 101<sup>st</sup>, Kaiser of the 59<sup>th</sup>, 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 update and clarify provisions in law and to  
3 repeal obsolete provisions; to repeal a population act provision; to revise provisions relating  
4 to state required standards; to remove the middle grades program; to repeal provisions  
5 relating to professional and staff development stipends; to revise provisions relating to  
6 contracts by the State School Superintendent; to revise a process for student requests for  
7 waivers and variances of state requirements; to provide that capital outlay includes computer  
8 equipment and software; to revise provisions relating to state required assessments; to revise  
9 provisions relating to the honors program; to revise provisions relating to courses taken  
10 through the Georgia Virtual School; to revise provisions relating to virtual instruction  
11 opportunities provided by local school systems; to repeal an obsolete provision relating to  
12 acquiring digital learning; to revise a provision relating to home study reporting; to revise  
13 provisions relating to nonrenewal of a teacher's contract; to revise provisions relating to  
14 health insurance for public school teachers and employees; to revise provisions relating to  
15 appeals to the State Board of Education; to provide for charter authorizer accountability; to  
16 provide for an expedited charter petition review process for high-performing charter schools;  
17 to provide for timelines for approving or denying charter petitions; to revise provisions  
18 relating to funding for a charter school in its first year of operation; to provide for use by  
19 charter schools of unused school facilities; to provide for enrollment preferences for charter  
20 schools; to revise provisions relating to funding for state charter schools; to authorize the  
21 State Charter Schools Commission to establish nonprofit foundations; to provide for related  
22 matters; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
 26 secondary education, is amended by repealing subsection (d) of Code Section 20-2-51,  
 27 relating to election of local board of education members, persons ineligible to be members  
 28 or superintendent, ineligibility for local boards of education, and ineligibility for other  
 29 elective offices, and designating said subsection as reserved.

30 **SECTION 2.**

31 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-131, relating  
 32 to objectives and purposes of the Quality Basic Education Program, as follows:

33 "(1) Implementing a quality basic education curriculum to encompass content standards  
 34 in public schools state wide which ensures that each student is provided ample  
 35 opportunity to develop competencies necessary for lifelong learning as well as the  
 36 competencies needed to maintain good physical and mental health, to participate actively  
 37 in the governing process and community activities, to protect the environment and  
 38 conserve public and private resources, and to be an effective worker and responsible  
 39 citizen of high character;"

40 **SECTION 3.**

41 Said chapter is further amended by revising Code Section 20-2-140, relating to the State  
 42 Board of Education establishing competencies and a uniformly sequenced core curriculum  
 43 and college and career readiness competency standards, as follows:

44 "20-2-140.

45 (a) The State Board of Education shall establish competencies uniformly sequenced  
 46 content standards that each student is expected to master prior to completion of the  
 47 student's public school education. ~~The state board shall also establish competencies for~~  
 48 ~~which each student should be provided opportunities, at the discretion of the student and~~  
 49 ~~the student's parents, to master. Based upon these foregoing competencies, the~~ The state  
 50 board shall adopt a uniformly sequenced core curriculum content standards for grades  
 51 students in kindergarten through grade 12. Each local unit of administration shall include  
 52 this uniformly sequenced core curriculum as the basis for its own curriculum, although  
 53 each local unit may sequence, expand, and enrich this curriculum may expand and enrich  
 54 the content standards to the extent it deems necessary and appropriate for its students and  
 55 communities. Each local school system shall adopt its own curriculum which shall include  
 56 appropriate instruction in the content standards.

57 (b) The State Board of Education, working with the Board of Regents of the University  
 58 System of Georgia and the State Board of the Technical College System of Georgia, shall

59 establish college and career readiness ~~competency~~ standards in reading, writing, and  
 60 mathematics aligned with the ~~core curriculum content standards~~ adopted by the state board  
 61 pursuant to subsection (a) of this Code section with the level of performance necessary to  
 62 meet college-readiness standards in the state's technical colleges, community colleges, state  
 63 colleges, and universities and in other advanced training programs.

64 (c) The State Board of the Technical College System of Georgia shall require its  
 65 institutions to accept core curriculum coursework completed by high school students for  
 66 purposes of admission into its institutions. This Code section shall apply beginning with  
 67 students entering such postsecondary institutions in the fall of 2013."

#### 68 **SECTION 4.**

69 Said chapter is further amended by revising Code Section 20-2-140.1, relating to online  
 70 learning, as follows:

71 "20-2-140.1.

72 The State Board of Education shall establish rules and regulations to maximize the number  
 73 of students, beginning with students entering ninth grade in the 2014-2015 school year,  
 74 who complete prior to graduation at least one course containing online learning. This shall  
 75 be met through an online course offered by the Georgia Virtual School established pursuant  
 76 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code  
 77 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary  
 78 institution, or through a provider ~~approved~~ pursuant to ~~subsection (c)~~ of Code Section  
 79 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction  
 80 program pursuant to Code Section 20-2-319.4."

#### 81 **SECTION 5.**

82 Reserved.

#### 83 **SECTION 6.**

84 Said chapter is further amended by revising subsection (a) of Code Section 20-2-142, relating  
 85 to prescribed courses, as follows:

86 "(a)(1) All elementary and secondary schools which receive in any manner funds from  
 87 the state shall provide the following course offerings in the manner and at the grade level  
 88 prescribed by the State Board of Education ~~in its quality core curriculum~~:

89 (A) A course of study in the background, history, and development of the federal and  
 90 state governments and a study of Georgia county and municipal governments; and

91 (B) A course of study in the history of the United States and in the history of Georgia  
 92 and in the essentials of the United States and Georgia Constitutions, including the study

93 of American institutions and ideals which shall include a study of the Pledge of  
 94 Allegiance to the flag of the United States and the Georgia flag in addition to other  
 95 institutions and ideals.

96 (2) No student shall be eligible to receive a diploma from a high school unless such  
 97 student has successfully completed the courses in history and government provided for  
 98 by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For  
 99 students moving to Georgia and unable to take the course or courses available to fulfill  
 100 these requirements in the grade level in which such course or courses are ordinarily  
 101 offered, the State Board of Education may develop alternative methods, which may  
 102 include but shall not be limited to an on-line course of study, for such students to learn  
 103 about and demonstrate an adequate understanding of federal or Georgia history and  
 104 government.

105 (3) Disabled students who are otherwise eligible for a special education diploma  
 106 pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if  
 107 they have not successfully completed either or both of these courses; provided, however,  
 108 that their Individualized Education Programs have not specified that the disabled students  
 109 must enroll in and successfully complete both of these courses.

110 (4) The State Board of Education shall promulgate rules and regulations governing the  
 111 required course of study in the history of Georgia and in the essentials of the Georgia  
 112 Constitution for students who transfer from another state after having completed the year  
 113 in which such course or courses are ordinarily offered. The State Board of Education is  
 114 authorized to provide for exemptions to the required course of study for such students and  
 115 for students whose parent or parents serve in the armed forces of the United States."

## 116 SECTION 7.

117 Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection  
 118 (b) of Code Section 20-2-151, relating to general and career education programs, as follows:

119 "(a) The primary purpose for the general and career education programs is to provide the  
 120 children and youth of Georgia with a quality opportunity to master ~~student competencies~~  
 121 content standards adopted by the State Board of Education ~~through instruction which is~~  
 122 ~~based upon the uniformly sequenced core curriculum."~~

123 "(2) It is the policy of this state that the purpose of the primary grades program shall be  
 124 mastery by enrolled students of the essential basic skills and knowledge which will  
 125 enable them to achieve more advanced skills and knowledge offered at the higher grade  
 126 levels. For purposes of funding under this article, the primary grades program shall  
 127 include grades one, two, and three. To be eligible for enrollment in the first grade of a  
 128 state supported primary grades program, a child must attain the age of six by September

129 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State  
 130 Board of Education ~~shall~~ may adopt an instrument or instruments, procedures, and  
 131 policies necessary to assess the first grade readiness of children enrolled in Georgia's  
 132 public school kindergarten programs pursuant to Code Section 20-2-281. Readiness  
 133 information obtained by the instrument or instruments adopted by the state board ~~shall~~  
 134 may be used by local school systems in concert with teacher recommendations and other  
 135 relevant information to make appropriate student grade placement decisions. The  
 136 Department of Education ~~shall~~ may develop guidelines for utilization of the instrument  
 137 or instruments in grade placement decisions and ~~shall~~ provide such guidelines to local  
 138 school systems. The guidelines ~~shall~~ may include information pertinent to consideration  
 139 of the placement of students who have been identified as being disabled or  
 140 limited-English-proficient. Whenever the decision is made not to promote a child to the  
 141 first grade, the local school system ~~shall~~ may document the reasons for the decision not  
 142 to promote, according to guidelines established by the board. The State School  
 143 Superintendent ~~shall~~ may annually provide a report summarizing the results of the  
 144 readiness of first grade Georgia public school kindergarten children. No student shall  
 145 remain in kindergarten for more than two years;"

146

#### SECTION 8.

147 Said chapter is further amended by revising subsections (a) and (h) of Code Section  
 148 20-2-154.1, relating to alternative education programs, as follows:

149 "(a) It is the policy of this state that the alternative education program shall provide a  
 150 learning environment that includes the ~~objectives of the quality core curriculum content~~  
 151 standards and that the instruction in an alternative education program shall enable students  
 152 to return to a general or career education program as quickly as possible. Course credit  
 153 shall be earned in an alternative education program in the same manner as in other  
 154 education programs. It is the policy of this state that it is preferable to reassign disruptive  
 155 students to an alternative education program rather than suspending or expelling such  
 156 students from school."

157 "(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education  
 158 programs shall be based upon a full-time equivalent program count that equals 2.5 percent  
 159 of the sum of the full-time equivalent program count of the ~~middle grades program, the~~  
 160 middle school program ~~as defined in Code Section 20-2-290~~, the high school general  
 161 education program (grades nine through 12), and the career, technical, and agricultural  
 162 education laboratory program (grades nine through 12). For the 2002-2003 school year and  
 163 thereafter, the amount of state funds appropriated and allocated for the alternative  
 164 education program provided for in this Code section shall be based on the actual count of

165 students served during the preceding year, except that the count of students served shall not  
 166 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~  
 167 ~~grades program, the middle school program as defined in Code Section 20-2-290,~~ the high  
 168 school general education program (grades nine through 12), and the career, technical, and  
 169 agricultural education laboratory program (grades nine through 12). Funds earned may be  
 170 expended in kindergarten and in grades one through 12."

171 **SECTION 9.**

172 Said chapter is further amended by revising Code Section 20-2-159.1, relating to focused  
 173 programs of study, as follows:

174 "20-2-159.1.

175 No later than July 1, 2013, the Department of Education shall develop, and the State Board  
 176 of Education shall approve, state models and curriculum framework content standards for  
 177 the following focused programs of study, as defined in Code Section 20-2-326, including,  
 178 but not limited to:

- 179 (1) Agriculture, food, and natural resources;
- 180 (2) Architecture and construction;
- 181 (3) Arts, audio-video technology, and communications;
- 182 (4) Business, management, and administration;
- 183 (5) Education and training;
- 184 (6) Finance;
- 185 (7) Health science;
- 186 (8) Hospitality and tourism;
- 187 (9) Human services;
- 188 (10) Information technology;
- 189 (11) Law, public safety, and security;
- 190 (12) Manufacturing;
- 191 (13) Government and public administration;
- 192 (14) Marketing, sales, and service;
- 193 (15) Science, technology, engineering, and mathematics; and
- 194 (16) Transportation, distribution, and logistics.

195 Such focused programs of study may be combined around these and other related clusters."

196 **SECTION 10.**

197 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-159.2,  
 198 relating to coordination between high schools and postsecondary institutions to minimize the  
 199 need for remedial course work for students in postsecondary institutions, as follows:

200 "(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master  
 201 the content standards established pursuant to Code Section 20-2-140 will meet the  
 202 requirements for purposes of admission into a postsecondary institution, such as grade  
 203 point average and readiness levels in reading, writing, and mathematics, without having  
 204 to take remedial coursework. Such policies shall:

205 (A) Establish the benchmarks for college readiness and the method in which students  
 206 can demonstrate readiness in reading, writing, and mathematics for postsecondary  
 207 coursework upon completing the ~~core curriculum~~ content standards; and

208 (B) Set the conditions for ensuring college readiness;"

209 **SECTION 11.**

210 Said chapter is further amended by revising subsection (a) of Code Section 20-2-159.3,  
 211 relating to coordination between high schools and postsecondary institutions to minimize the  
 212 need for remedial course work for students in postsecondary academic core standards to be  
 213 embedded in career, technical, and agricultural education courses, as follows:

214 "(a) The ~~competencies and curricula~~ content standards established for career, technical, and  
 215 agricultural education courses pursuant to Code Section 20-2-140 shall include embedded  
 216 standards in academic core subject areas, as appropriate. In establishing such ~~competencies~~  
 217 ~~and curricula~~ content standards, the state board shall work to ensure that the coursework  
 218 meets postsecondary requirements for acceptance of credit for such coursework at the  
 219 postsecondary level. Such courses shall be taught by a highly qualified teacher in the  
 220 academic content and trained or experienced in contextualized learning using project based  
 221 methods; by a highly qualified career, technical, and agricultural education teacher who has  
 222 completed a state-approved training program to strengthen academic content and has  
 223 passed a state-approved exam for demonstrating mastery of academic content; or by a team  
 224 made up of a highly qualified teacher in the academic content and a highly qualified career,  
 225 technical, and agricultural education teacher working together to teach the course."

226 **SECTION 12.**

227 Said chapter is further amended by revising subsection (a) of Code Section 20-2-160, relating  
 228 to determination of enrollment by institutional programs, as follows:

229 "(a) The State Board of Education shall designate the specific dates upon which two counts  
 230 of students enrolled in each instructional program authorized under this article shall be  
 231 made each school year and by which the counts shall be reported to the Department of  
 232 Education. The initial enrollment count shall be made after October 1 but prior to  
 233 November 17 and the final enrollment count after March 1 but prior to May 1. The report  
 234 shall indicate the student's specific assigned program for each one-sixth segment of the

235 school day on the designated reporting date. No program shall be indicated for a student  
 236 for any one-sixth segment of the school day that the student is assigned to a study hall; a  
 237 noncredit course; a course recognized under this article or by state board policy as an  
 238 enrichment course, except a driver education course; a course which requires participation  
 239 in an extracurricular activity for which enrollment is on a competitive basis; a course in  
 240 which the student serves as a student assistant to a teacher, in a school office, or in the  
 241 media center, except when such placement is an approved work site of a recognized career,  
 242 technical, and agricultural education laboratory program; an individual study course for  
 243 which no outline of course objectives is prepared in writing prior to the beginning of the  
 244 course; or any other course or activity so designated by the state board. For the purpose  
 245 of this Code section, the term 'enrichment course' means a course which does not dedicate  
 246 a major portion of the class time toward the development and enhancement of one or more  
 247 ~~student competencies~~ content standards as adopted by the state board under Code Section  
 248 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the  
 249 school day for which the student is not enrolled in an instructional program or has not  
 250 attended a class or classes within the preceding ten days; nor shall a program be indicated  
 251 for a student for any one-sixth segment of the school day for which the student is charged  
 252 tuition or fees or is required to provide materials or equipment beyond those authorized  
 253 pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course  
 254 pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other  
 255 appropriate program for each segment in which the student is attending such dual credit  
 256 course. The state board shall adopt such regulations and criteria as necessary to ensure  
 257 objective and true counts of students in state approved instructional programs. The state  
 258 board shall also establish criteria by which students shall be counted as resident or  
 259 nonresident students, including specific circumstances which may include, but not be  
 260 limited to, students attending another local school system under court order or under the  
 261 terms of a contract between two local school systems. If a local school system has a  
 262 justifiable reason, it may seek authority from the state board to shift full-time equivalent  
 263 program counts from the designated date to a requested alternate date."

264 **SECTION 13.**

265 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section  
 266 20-2-161, relating to the Quality Basic Education Formula, as follows:

267 "(b) As the cost of instructional programs varies depending upon the teacher-student ratios  
 268 and specific services typically required to address the special needs of students enrolled,  
 269 state authorized instructional programs shall have the following program weights and  
 270 teacher-student ratios:



271	(1) Kindergarten program .....	1.6508
272		weight and
273		1 to 15
274		ratio
275	(2) Kindergarten early intervention program .....	2.0348
276		weight and
277		1 to 11
278		ratio
279	(3) Primary grades program (1-3) .....	1.2849
280		weight and
281		1 to 17
282		ratio
283	(4) Primary grades early intervention program (1-3) .....	1.7931
284		weight and
285		1 to 11
286		ratio
287	(5) Upper elementary grades program (4-5) .....	1.0355
288		weight and
289		1 to 23
290		ratio
291	(6) Upper elementary grades early intervention program (4-5) .....	1.7867
292		weight and
293		1 to 11
294		ratio
295	<del>(7) Middle grades program (6-8) .....</del>	<del>1.0186</del>
296		<del>weight and</del>
297		<del>1 to 23</del>
298		<del>ratio</del>

299	<del>(8)</del> <u>(7)</u> Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
300		weight and
301		1 to 20
302		ratio
303	<del>(9)</del> <u>(8)</u> High school general education program (9-12) . . . . .	1.0000
304		weight and
305		1 to 23
306		ratio
307	<del>(10)</del> <u>(9)</u> Career, technical, and agricultural education	1.1916
308	laboratory program (9-12) . . . . .	weight and
309		1 to 20
310		ratio
311	<del>(11)</del> <u>(10)</u> Program for persons with disabilities:	
312	Category I . . . . .	2.3798
313		weight and
314		1 to 8
315		ratio
316	<del>(12)</del> <u>(11)</u> Program for persons with disabilities:	
317	Category II . . . . .	2.7883
318		weight and
319		1 to 6.5
320		ratio
321	<del>(13)</del> <u>(12)</u> Program for persons with disabilities:	
322	Category III . . . . .	3.5493
323		weight and
324		1 to 5
325		ratio

326	<del>(14)</del> <u>(13)</u> Program for persons with disabilities:	
327	Category IV .....	5.7509
328		weight and
329		1 to 3
330		ratio
331	<del>(15)</del> <u>(14)</u> Program for persons with disabilities:	
332	Category V .....	2.4511
333		weight and
334		1 to 8
335		ratio
336	<del>(16)</del> <u>(15)</u> Program for intellectually gifted students:	
337	Category VI .....	1.6589
338		weight and
339		1 to 12
340		ratio
341	<del>(17)</del> <u>(16)</u> Remedial education program .....	1.3087
342		weight and
343		1 to 15
344		ratio
345	<del>(18)</del> <u>(17)</u> Alternative education program .....	1.4711
346		weight and
347		1 to 15
348		ratio
349	<del>(19)</del> <u>(18)</u> English for speakers of other languages (ESOL) program .....	2.5049
350		weight and
351		1 to 7
352		ratio
353	<del>(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the</del>	
354	<del>requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school</del>	
355	<del>shall have the funding weight included in paragraph (8) of subsection (b) of this Code</del>	

356 section for the middle school program, regardless of whether such middle school meets the  
 357 requirements of Code Section 20-2-290."

358 **SECTION 14.**

359 Said chapter is further amended by revising Code Section 20-2-181, relating to calculation  
 360 of program weights to reflect base school size, as follows:

361 "20-2-181.

362 The calculation of all program weights shall reflect a base size local school system of 3,300  
 363 full-time equivalent students. The calculation of program weights for the kindergarten  
 364 program, the kindergarten early intervention program, the primary grades (1-3) early  
 365 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)  
 366 early intervention program, and the upper elementary grades (4-5) program shall reflect a  
 367 base school size of 450 full-time equivalent students. The calculation of program weights  
 368 for the ~~middle grades (6-8) program,~~ the middle school (6-8) program, the special  
 369 education programs, the remedial education program, and the English for speakers of other  
 370 languages program shall reflect a base school size of 624 full-time equivalent students.  
 371 The calculation of ~~the~~ program weights for the high school general education program and  
 372 the high school career, technical, and agricultural education laboratory program shall  
 373 reflect a base school size of 970 full-time equivalent students. The calculation of program  
 374 weights for the alternative education program shall reflect a base school size of 100  
 375 full-time equivalent students, except that the calculations for secretaries and media  
 376 personnel shall reflect a base school size of 624 full-time equivalent students."

377 **SECTION 15.**

378 Said chapter is further amended by revising subsections (b) and (c) and paragraph (1) of  
 379 subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for  
 380 payment of salaries and benefits, as follows:

381 "(b) The program weights for the primary, primary grades early intervention, upper  
 382 elementary, upper elementary grades early intervention, ~~middle grades,~~ and middle school  
 383 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least  
 384 the beginning salaries of specialists qualified to teach art, music, foreign language, and  
 385 physical education, subject to appropriation by the General Assembly.

386 (c) The program weights for the kindergarten, kindergarten early intervention, primary,  
 387 primary grades early intervention, upper elementary, upper elementary grades early  
 388 intervention, ~~middle grades,~~ middle school, and alternative education programs and the  
 389 program weights for the high school programs authorized pursuant to paragraph (4) of  
 390 subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect

391 sufficient funds to pay the beginning salaries for at least one school counselor for every 450  
 392 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program  
 393 weights for the English for speakers of other languages program and the programs for  
 394 persons with disabilities shall also earn school counselor funding. Further, beginning in  
 395 Fiscal Year 2016 and thereafter, the program weights for the program for intellectually  
 396 gifted students and the remedial education program shall also earn school counselor  
 397 funding. The duties and responsibilities for such school counselors shall be established by  
 398 the state board to require a minimum of five of the six full-time equivalent program count  
 399 segments of the counselor's time to be spent counseling or advising students or parents."

400 "(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and  
 401 guardians as to the maximum number of students that may be in their child's classroom  
 402 in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the  
 403 following regular education programs, the maximum individual class size for  
 404 mathematics, science, social studies, and language arts classes shall be:

405	(A) Kindergarten program (without full-time aide) . . . . .	18
406	(B) Kindergarten program (with full-time aide) . . . . .	20
407	(C) Primary grades program (1-3) . . . . .	21
408	(D) Upper elementary grades program (4-5) . . . . .	28
409	(E) <del>Middle grades program (6-8) and middle school program (6-8) as</del>	
410	<del>defined in Code Section 20-2-290</del> . . . . .	28

411 For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only,  
 412 the system average maximum class size for each instructional program covered under this  
 413 paragraph shall be the same as the maximum individual class size for each such program,  
 414 and local boards of education shall be considered in compliance with this paragraph so  
 415 long as the system average maximum class size is not exceeded; provided, however, that  
 416 if the State Board of Education approves a blanket waiver or variance pursuant to  
 417 subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be  
 418 the system average maximum class sizes for purposes of this paragraph."

419 **SECTION 16.**

420 Said chapter is further amended by revising subsection (a) of Code Section 20-2-184.1,  
 421 relating to funding for additional days of instruction, as follows:

422 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,  
 423 primary grades early intervention, upper elementary, upper elementary grades early  
 424 intervention, ~~middle grades~~, middle school, and remedial programs and the program  
 425 weights for the high school programs authorized pursuant to paragraph (4) of subsection

426 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
 427 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
 428 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
 429 funds shall be used for addressing the academic needs of low-performing students with  
 430 programs including, but not limited to, instructional opportunities for students beyond the  
 431 regular school day, Saturday classes, intersession classes, summer school classes, and  
 432 additional instructional programs during the regular school day. Following the midterm  
 433 adjustment, the state board shall issue allotment sheets for each local school system. Each  
 434 local school system shall spend 100 percent of the funds designated for additional days of  
 435 instruction for such costs at the system level, which may include transportation costs  
 436 incurred for transporting students who are attending additional classes funded by these  
 437 designated funds."

438 **SECTION 17.**

439 Said chapter is further amended by revising subsection (a) of Code Section 20-2-190, relating  
 440 to professional development centered on state-wide strategic initiatives, as follows:

441 "(a) Subject to appropriations by the General Assembly, the State Board of Education shall  
 442 provide professional development centered on state-wide strategic initiatives. Such  
 443 strategic initiatives may include, but are not limited to, training on ~~the new common core~~  
 444 curriculum content standards, support for under-performing educators, and mentoring  
 445 programs in specific subject areas."

446 **SECTION 18.**

447 Reserved.

448 **SECTION 19.**

449 Said chapter is further amended by repealing and reserving Code Section 20-2-217, relating  
 450 to professional and staff development stipends.

451 **SECTION 20.**

452 Said chapter is further amended by revising subsection (c) of Code Section 20-2-241, relating  
 453 to the State School Superintendent, as follows:

454 "(c) The State School Superintendent shall have the authority to enter into contracts for the  
 455 amount of \$50,000.00 or less on behalf of the Department of Education. The State School  
 456 Superintendent may delegate to the chief financial officer the authority to execute such  
 457 contracts on behalf of the State School Superintendent."

458 **SECTION 21.**

459 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-242, relating  
 460 to local school systems, local units of administration, and local governing bodies, as follows:

461 "(1) The instructional programs authorized pursuant to Part 3 of this article and the  
 462 uniformly sequenced core curriculum content standards authorized pursuant to Part 2 of  
 463 this article are fully and effectively implemented;"

464 **SECTION 22.**

465 Said chapter is further amended by adding a new Code section to read as follows:

466 "20-2-244.1.

467 (a) As used in this Code section, the term:

468 (1) 'Student' means a student who is or was enrolled in a public school in this state.

469 (2) 'Substantial hardship' means a significant, unique, and demonstrable economic,  
 470 technological, legal, or other type of hardship to the person requesting a variance or  
 471 waiver which impairs the ability of the person to continue to function in the regulated  
 472 practice or business.

473 (3) 'Variance' means a modification granted by the State Board of Education to all or part  
 474 of the literal requirements of a rule to a person who is subject to the rule.

475 (4) 'Waiver' means a decision by the State Board of Education not to apply all or part of  
 476 a rule to a person who is subject to the rule.

477 (b) Except as provided in subsection (f) of this Code section, the State Board of Education  
 478 is authorized to grant a variance or waiver to a rule when a student subject to that rule  
 479 demonstrates that the purpose of the underlying statute upon which the rule is based can  
 480 be or has been achieved by other specific means which are agreeable to the person seeking  
 481 the variance or waiver and that strict application of the rule would create a substantial  
 482 hardship to such person.

483 (c) Except as provided in subsection (f) of this Code section, a student who is subject to  
 484 regulation by a State Board of Education rule may file a petition with the state board  
 485 requesting a variance or waiver from the state board's rule. In addition to any other  
 486 requirements which may be imposed by the state board, each petition shall specify:

487 (1) The rule from which a variance or waiver is requested;

488 (2) The type of action requested;

489 (3) The specific facts of substantial hardship which would justify a variance or waiver  
 490 for the petitioner, including the alternative standards which the person seeking the  
 491 variance or waiver agrees to meet and a showing that such alternative standards will  
 492 afford adequate protection for the public health, safety, and welfare; and

493 (4) The reason why the variance or waiver requested would serve the purpose of the  
 494 underlying statute.

495 (d) The state board shall grant or deny a petition for variance or waiver in writing no later  
 496 than 60 days after the receipt of the petition. The state board's decision to grant or deny the  
 497 petition shall be in writing and shall contain a statement of the relevant facts and the  
 498 reasons supporting the state board's action.

499 (e) The state board's decision to deny a petition for variance or waiver shall be subject to  
 500 judicial review in accordance with Code Section 50-13-19. The validity of any variance  
 501 or waiver which is granted by the state board may be determined in an action for  
 502 declaratory judgment in accordance with Code Section 50-13-10.

503 (f) This Code section shall not apply, and no variance or waiver shall be sought or  
 504 authorized, when a state board rule or regulation has been adopted or promulgated in order  
 505 to implement or promote a federally delegated program.

506 (g) An aggregated report of all waivers granted pursuant to this Code section shall be  
 507 prepared and shall contain a description of the waiver granted, including a detail of the  
 508 variance from any rule or regulation, but shall not include any identifying information of  
 509 the student.

510 (h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with  
 511 respect to petitions for variances or waivers of rules by students."

512 **SECTION 23.**

513 Said chapter is further amended in subsection (b) of Code Section 20-2-260, relating to  
 514 capital outlay funds generally, by revising paragraph (3) and by adding a new paragraph as  
 515 follows:

516 "(3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result  
 517 in the acquisition of fixed assets, existing buildings, improvements to sites, construction  
 518 of buildings, construction of additions to buildings, retrofitting of existing buildings for  
 519 energy conservation, and initial and additional equipment and furnishings for educational  
 520 facilities. This term also includes expenditures for computer equipment and operating  
 521 system software for the school that is integral to the implementation of the school's  
 522 curriculum, instruction, or administration."

523 "(9.1) 'Local school system' means any entity defined as a local educational agency by  
 524 the Department of Education."



525 **SECTION 24.**

526 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section  
 527 20-2-270.1, relating to services to member local school systems by regional educational  
 528 service agencies, as follows:

529 "(3) Developing and implementing curricula and instruction of the highest quality  
 530 possible, including implementing the ~~uniformly sequenced core curriculum content~~  
 531 standards adopted by the state board;"

532 **SECTION 25.**

533 Said chapter is further amended by revising Code Section 20-2-281, relating to assessment  
 534 of effectiveness of educational programs, as follows:

535 "20-2-281.

536 (a) The State Board of Education shall adopt a student assessment program consisting of  
 537 instruments, procedures, and policies necessary to implement the program and shall fund  
 538 all costs of providing and scoring such instruments, subject to appropriation by the General  
 539 Assembly. Each local school system may elect to administer, ~~with state funding,~~ nationally  
 540 norm-referenced instruments in reading, mathematics, science, or social studies in grade  
 541 three, four, or five and in grade six, seven, or eight, subject to available appropriations,  
 542 with assistance to such school systems by the State Board of Education with regard to  
 543 administration guidance, scoring, and reporting of such assessments. The State Board of  
 544 Education shall review, revise, and upgrade the ~~quality core curriculum content standards.~~  
 545 Following the adoption of ~~this revised curriculum~~ such content standards, the State Board  
 546 of Education shall contract for development of criterion-referenced competency tests to  
 547 measure the ~~quality core curriculum content standards~~. Such tests in English and language  
 548 arts/reading and; mathematics, ~~and reading~~ shall be administered annually to students in  
 549 grades three through eight. These tests may contain features that allow for comparability  
 550 to other states with whom establishing such comparison would be statistically sound;  
 551 provided, however, that no such comparison shall be conducted which would relinquish  
 552 any measure of control over assessments to any individual or entity outside the state. This  
 553 action shall be completed according to a schedule established by the State Board of  
 554 Education. ~~A curriculum based assessment shall be administered in grade 11 for~~  
 555 ~~graduation purposes.~~ Writing assessments shall be administered to students ~~in grades three,~~  
 556 ~~five, eight, and 11~~ in grades designated by the State Board of Education as part of the  
 557 English language arts/reading assessments. ~~The writing assessments shall provide students~~  
 558 ~~and their parents with performance outcome measures resulting from the administration of~~  
 559 ~~such tests.~~

560 (b) ~~The nationally normed assessments provided for in subsection (a) of this Code section~~  
 561 ~~shall provide students and their parents with grade equivalencies and percentile ranks~~  
 562 ~~which result from the administration of such tests.~~ Criterion-referenced tests and the high  
 563 school graduation test provided for in subsection (a) of this Code section shall provide for  
 564 results that reflect student achievement at the individual student, classroom, school, system,  
 565 and state levels. The State Board of Education shall participate in the National Assessment  
 566 of Educational Progress (NAEP) and may participate in any other tests that will allow  
 567 benchmarking this state's performance against national or international performance. The  
 568 results of such testing shall be provided to the Governor, the General Assembly, and the  
 569 State Board of Education and shall be reported to the citizens of Georgia. Further, the state  
 570 board shall adopt a school readiness assessment for students entering first grade and shall  
 571 administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section  
 572 20-2-151. One of the components in the awarding of salary supplements as part of a pay  
 573 for performance or related plan under this article may be assessments of student  
 574 achievement.

575 (b.1) The State Board of Education shall notify local school systems and individual  
 576 schools of the results of the assessment instruments administered under this Code section  
 577 at the earliest possible date determined by the state board, but not later than the beginning  
 578 of the subsequent school year. In the event the state board is unable to provide timely  
 579 results in the first year of implementation of a substantially new assessment instrument, the  
 580 provisions in paragraph (3) of subsection (b) of Code Section 20-2-283 shall not apply.

581 (c) The State Board of Education shall have the authority to condition the awarding of a  
 582 high school diploma to a student upon achievement of satisfactory scores on instruments  
 583 or tests adopted and administered by the state board pursuant to subsection (a) of this Code  
 584 section. The state board is authorized and directed to adopt regulations providing that any  
 585 disabled child, as defined by the provisions of this article, shall be afforded opportunities  
 586 to take any test adopted by the state board as a condition for the awarding of a high school  
 587 diploma. Said regulations shall further provide for appropriate accommodations in the  
 588 administration of such test. Said regulations shall further provide for the awarding of a  
 589 special education diploma to any disabled student who is lawfully assigned to a special  
 590 education program and who does not achieve a passing score on said test or who has not  
 591 completed all of the requirements for a high school diploma but who has nevertheless  
 592 completed his or her Individualized Education Program.

593 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be  
 594 administered to ~~each student receiving special education services pursuant to Code~~  
 595 ~~Section 20-2-152 who does not receive instruction in the essential knowledge and skills~~  
 596 ~~identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~

597 those students with significant cognitive disabilities, receiving special education services  
 598 pursuant to Code Section 20-2-152, who cannot access the state adopted content  
 599 standards without appropriate accommodations to those standards and for whom the  
 600 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code  
 601 section, even with allowable ~~modifications~~ accommodations, would not provide an  
 602 appropriate measure of student achievement, as determined by the student's  
 603 Individualized Education Program team. ~~A student's Individualized Education Program~~  
 604 ~~may serve as an alternate assessment for that student.~~

605 (2) A student's Individualized Education Program team shall determine appropriate  
 606 participation in assessment and identify necessary accommodations in accordance with  
 607 the federal Individuals with Disabilities Education Act and state board regulations.

608 (e) The State Board of Education is authorized to adopt rules, regulations, policies, and  
 609 procedures regarding accommodations and the participation of limited-English-proficient  
 610 students, as defined in Code Section 20-2-156, in the assessments described in this Code  
 611 section.

612 (f) The State Board of Education shall adopt end-of-course assessments for students in  
 613 grades nine through 12 for all core subjects to be determined by the state board. For those  
 614 students with an Individualized Education Program, the student's Individualized Education  
 615 Program team shall determine appropriate participation in assessments and identify  
 616 necessary accommodations in accordance with the federal Individuals with Disabilities  
 617 Education Act and state board regulations.

618 (g) Under rules adopted by the State Board of Education, the Department of Education  
 619 shall, subject to appropriations by the General Assembly, release some or all of the  
 620 questions and answers to each criterion-referenced competency test administered under  
 621 subsection (a) of this Code section and each end-of-course assessment administered under  
 622 subsection (e) of this Code section after the last time the instrument is administered for a  
 623 school year.

624 (h) The State Board of Education, through the Department of Education, shall administer  
 625 the end-of-course assessments for core subject areas as defined by state board policy. The  
 626 state board shall promulgate a schedule for the development and administration of all  
 627 end-of-course tests. By the 2015-2016 school year, the State Board of Education shall  
 628 make all end-of-course assessments available online and shall establish rules and  
 629 regulations to maximize the number of students and school systems utilizing such online  
 630 assessments.

631 (i) The Department of Education shall develop study guides for the criterion-referenced  
 632 tests and end-of-course assessments administered pursuant to subsections (a) and (f) of this  
 633 Code section. Each school system shall distribute the study guides to students who do not

634 perform satisfactorily on one or more parts of an assessment instrument administered under  
635 this Code section and to the parents or guardians of such students.

636 (j)(1) The high school graduation test provided for in subsection (a) of this Code section  
637 shall continue in effect until all high school core subject end-of-course assessments have  
638 been developed and implemented, at which time the state board shall discontinue the test  
639 according to a schedule to be determined by the state board.

640 (2) The State Board of Education shall adopt rules and regulations requiring the results  
641 of core subject end-of-course assessments to be included as a factor in a student's final  
642 grade in the core subject course for which the end-of-course assessment is given.

643 (k)(~~h~~) In addition to the assessment instruments adopted by the State Board of Education  
644 and administered by the Department of Education, a local school system may adopt and  
645 administer criterion-referenced or norm-referenced assessment instruments, or both, at  
646 any grade level. Such locally adopted assessment instruments may not replace the state's  
647 adopted assessment instruments for purposes of state accountability programs, except as  
648 otherwise provided in paragraph (2) of this subsection. A local school system shall be  
649 responsible for all costs and expenses incurred for locally adopted assessment  
650 instruments. Students with Individualized Education Programs must be included in the  
651 locally adopted assessments or provided an alternate assessment in accordance with the  
652 federal Individuals with Disabilities Education Act.

653 ~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal~~  
654 ~~Year 2003 to local boards of education exempting said boards from the administration~~  
655 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~  
656 ~~grade levels for which the local board of education implements a locally developed~~  
657 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum which~~  
658 ~~increases the expectations for student achievement beyond that of the applicable state~~  
659 ~~criterion-referenced competency test or tests and meets all other requirements of this~~  
660 ~~Code section, including reliability and validity requirements, with the exception of~~  
661 ~~subsection (g) of this Code section. Local boards of education with such waivers shall~~  
662 ~~submit to the State Board of Education school and local school system score reports of~~  
663 ~~the locally developed criterion-referenced competency tests.~~

664 (l) In adopting academic skills assessment instruments under this Code section, the State  
665 Board of Education or local school system shall ensure the security of the instruments in  
666 their preparation, administration, and scoring. Notwithstanding any other provision of law,  
667 meetings or portions of meetings held by the state board or a local board of education at  
668 which individual assessment instruments or assessment instrument items are discussed or  
669 adopted shall not be open to the public, and the assessment instruments or assessment  
670 instrument items shall be confidential.

671 (m) The results of individual student performance on academic skills assessment  
 672 instruments administered under this Code section shall be confidential and may be released  
 673 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,  
 674 20 U.S.C. Section 1232g.

675 (n) Overall student performance data shall be disaggregated by ethnicity, sex,  
 676 socioeconomic status, disability, language proficiency, grade level, subject area, school,  
 677 system, and other categories determined by policies established by the Office of Student  
 678 Achievement.

679 (o) Student performance data shall be made available to the public, with appropriate  
 680 interpretations, by the State Board of Education, the Office of Student Achievement, and  
 681 local school system. The information made available to the public shall not contain the  
 682 names of individual students or teachers.

683 (p) Teachers in grades one through 12 shall be offered the opportunity to participate  
 684 annually in a staff development program on the use of tests within the instructional  
 685 program designed to improve students' academic achievement. This program shall instruct  
 686 teachers on curriculum alignment related to tests, disaggregated student test data to identify  
 687 student academic weaknesses by subtests, and other appropriate applications as determined  
 688 by the State Board of Education.

689 (q) The State Board of Education shall consider the passage by a student of an industry  
 690 certification examination or a state licensure examination which is approved by the State  
 691 Board of Education when considering whether to grant such student a variance for one or  
 692 more portions of the high school graduation test required by the State Board of Education  
 693 pursuant to subsection (a) of this Code section in order to obtain a Georgia high school  
 694 diploma; provided, however, that the state board shall not grant a variance to a student  
 695 unless the student has attempted and failed to pass the relevant portion of the high school  
 696 graduation test at least four times."

697 **SECTION 26.**

698 Said chapter is further amended by revising Code Section 20-2-290, relating to organization  
 699 of schools, middle school programs, and schedule, as follows:

700 "20-2-290.

701 (a)(~~1~~) The board of education of any local school system is authorized to organize or  
 702 reorganize the schools and fix the grade levels to be taught at each school in its  
 703 jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof,~~  
 704 ~~shall qualify for the middle school program for students; provided, however, that such~~  
 705 ~~schools also meet all other provisions of this Code section and criteria and standards~~  
 706 ~~prescribed by the State Board of Education. Further, two or more adjacent local school~~

707 ~~systems shall qualify for the middle school program if through their contractual~~  
 708 ~~arrangement they jointly meet the requirements of this Code section and the criteria and~~  
 709 ~~standards prescribed by the state board.~~

710 (2)(b) The board of education of any local school system shall be authorized to employ  
 711 school administrative managers in lieu of or in addition to assistant principals. Such  
 712 school administrative managers shall not be required to be certificated by the Professional  
 713 Standards Commission but shall have such qualifications as determined by the local  
 714 board with a minimum requirement of a bachelor's degree. The duties of school  
 715 administrative managers shall be to oversee and manage the financial and business affairs  
 716 of the school. The principal shall retain authority over the curriculum and instructional  
 717 areas. The school administrative manager shall report directly to the principal. In the  
 718 event that a local board considers hiring or utilizing school administrative managers  
 719 pursuant to this subsection, it shall receive and give all due consideration to  
 720 recommendations by the school council as to whether or not to utilize such position and  
 721 as to selection of the manager. Existing employees of the local board shall be eligible to  
 722 serve as school administrative managers if they meet other qualifications and  
 723 requirements established by the local board for such position. For purposes of earning  
 724 funds for such positions, school administrative managers shall be treated in all respects  
 725 the same as assistant principals.

726 ~~(b) Local boards of education shall schedule each middle school so as to provide the~~  
 727 ~~following:~~

728 ~~(1) A minimum of five hours of instruction in English and language arts, reading,~~  
 729 ~~mathematics, science, social studies, and such other academic subjects as the State Board~~  
 730 ~~of Education shall prescribe;~~

731 ~~(2) Beyond the minimum of five hours of academic instruction, the local board shall~~  
 732 ~~have the authority to schedule for the remainder of the day such academic or exploratory~~  
 733 ~~classes as the State Board of Education shall prescribe; provided, however, that a student~~  
 734 ~~shall be allowed to take additional academic classes instead of exploratory classes if the~~  
 735 ~~parent or guardian of such a student requests such assignment, subject to availability; and~~

736 ~~(3) An interdisciplinary team of academic teachers with common planning time of a~~  
 737 ~~minimum of 55 minutes.~~

738 ~~(c) Local school systems shall comply with subsection (b) of this Code section in order to~~  
 739 ~~qualify for the middle school program.~~

740 ~~(d) If a local school system has a combination of qualified and nonqualified schools, it~~  
 741 ~~shall qualify for the middle school program only for those students counted in the full-time~~  
 742 ~~equivalent count for the middle school program in qualified middle schools."~~

743 **SECTION 27.**

744 Said chapter is further amended by revising subsection (a) of Code Section 20-2-306, relating  
745 to honors program and residential high school program, as follows:

746 "(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to  
747 ~~inaugurate~~ continue and administer an honors program for students in the public and  
748 private high schools of this state and for resident students who attend a home ~~school~~ study  
749 program who have manifested exceptional abilities or unique potentials or who have made  
750 exceptional academic achievements. This program shall be conducted during summer  
751 months between normal school year terms at institutions of higher learning or other  
752 appropriate centers within this state with facilities adequate to provide challenging  
753 opportunities for advanced study and accomplishments by such students. The student  
754 honors program shall be implemented and operated in accordance with criteria established  
755 by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the  
756 ~~state board~~ Office of Student Achievement from funds made available for this purpose by  
757 the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to  
758 enter into cooperative agreements with the Board of Regents of the University System of  
759 Georgia for operating and sharing the costs of such programs."

760 **SECTION 28.**

761 Said chapter is further amended by revising Code Section 20-2-314, relating to development  
762 of rape prevention, personal safety education, and teen dating violence prevention program,  
763 as follows:

764 "20-2-314.

765 The State Board of Education shall develop, with input from appropriate experts, such as  
766 rape crisis centers and family violence shelters, a rape prevention and personal safety  
767 education program and a program for preventing teen dating violence for grade eight  
768 through grade 12 which are consistent with the ~~core curriculum~~ content standards provided  
769 for in Code Section 20-2-140. Local boards may implement such programs at any time and  
770 for any grade level local boards find appropriate, and the state board shall encourage the  
771 implementation of such programs. In addition, the state board shall make information  
772 regarding such programs available to the Board of Regents of the University System of  
773 Georgia."

774 **SECTION 29.**

775 Said chapter is further amended by revising subsection (j) of Code Section 20-2-315, relating  
776 to the prohibition of gender discrimination, as follows:

777 "(j) The Department of Education ~~shall~~ may publish an annual report of local school  
 778 systems to include information regarding expenditures and participation rates for each  
 779 gender and such other information as the state board and department deem relevant."

780

**SECTION 30.**

781 Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia  
 782 Virtual School, as follows:

783 "20-2-319.1.

784 (a) The State Board of Education is authorized to establish the Georgia Virtual School  
 785 whereby students may enroll in ~~state-funded~~ courses via the Internet or in any other manner  
 786 not involving on-site interaction with a teacher. Any Georgia student who is age 21 or  
 787 younger shall be eligible to enroll in the Georgia Virtual School, ~~at no cost to the student.~~

788 The State Board of Education is authorized to promulgate rules and regulations pertaining  
 789 to the Georgia Virtual School. Such rules and regulations, if established, shall include, at  
 790 a minimum, a process for students to enroll in Georgia Virtual School courses and a  
 791 process whereby a student's grade in the course is reported on the student's transcript. All  
 792 teachers who provide instruction through the Georgia Virtual School shall be certified by  
 793 the Professional Standards Commission. A local school system shall not prohibit any  
 794 student from taking a course through the Georgia Virtual School, regardless of whether the  
 795 school in which the student is enrolled offers the same course.

796 (b)(1) The department is authorized to establish a Georgia Virtual School grant account  
 797 with funds appropriated by the General Assembly. The department shall use funds from  
 798 ~~this~~ such grant account to pay for costs associated with the Georgia Virtual School  
 799 incurred by the department, including, but not limited to, actual costs associated with the  
 800 maintenance of the Georgia Virtual School, such as new course development, credit  
 801 recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and  
 802 costs for tuition, materials, and fees for courses taken through the Georgia Virtual School  
 803 by students in home study programs or private schools in this state.

804 (2) The local school system shall pay to the department costs for tuition, materials, and  
 805 fees directly related to the approved course taken by a student in its school system  
 806 through the Georgia Virtual School; provided, however, that in no event shall the amount  
 807 of tuition charged to and paid by the local school system on behalf of such student exceed  
 808 \$250.00 per student per semester course; and provided, further, that if a student  
 809 participates in courses through the Georgia Virtual School that are in excess of the  
 810 maximum number of courses a student may be enrolled in during a school day, such  
 811 student shall be subject to the cost of tuition not to exceed \$250.00 per student per  
 812 semester course.



813 (3) Students in home study programs and private schools in this state may enroll in  
 814 courses through the Georgia Virtual School at no cost, if appropriations are provided for  
 815 such purpose in accordance with paragraph (1) of this subsection. If appropriations are  
 816 not provided or if appropriations are provided but have been expended for such purpose,  
 817 students in home study programs and private schools in this state may enroll in courses  
 818 through the Georgia Virtual School based on availability of slots; provided, however, that  
 819 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per  
 820 semester course.

821 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2  
 822 of Chapter 14 of this title."

823 **SECTION 31.**

824 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section  
 825 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as  
 826 follows:

827 "(2) 'Clearing-house' means the clearing-house established pursuant to subsection ~~(b)~~(c)  
 828 of this Code section."

829 **SECTION 32.**

830 Said chapter is further amended by revising Code Section 20-2-319.4, relating to virtual  
 831 instruction programs, notice of opportunities, mechanisms for compliance, approved  
 832 providers, approval status, and curriculum plan, as follows:

833 "20-2-319.4.

834 (a) Beginning with the 2013-2014 school year, each local school system shall provide  
 835 opportunities to all students in grades three through 12 enrolled in public schools within  
 836 its boundaries for participation in part-time and full-time virtual instruction program  
 837 options. Written notice of such opportunities, including an open enrollment period for  
 838 full-time students of at least 90 days and not ending earlier than 30 days prior to the first  
 839 day of the school year, shall be provided directly to parents of all students. The purpose  
 840 of the program shall be to make quality virtual instruction available to students using online  
 841 and distance learning technology in the nontraditional classroom. The program shall  
 842 provide at least three options for:

843 (1) Full-time virtual instruction for students enrolled in grades three through 12; and

844 (2) Part-time virtual instruction for students enrolled in grades three through 12.

845 A virtual instruction program conducted by a local school system shall include specific  
 846 ~~provision~~ provisions for at least two full-time options and one part-time option for students

847 enrolled in dropout prevention and academic intervention programs or Department of  
848 Juvenile Justice education programs under Code Section 20-2-133.

849 (b) To provide students with the option of participating in virtual instruction programs as  
850 required by subsection (a) of this Code section, a local school system may apply one or all  
851 of the following mechanisms:

852 (1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code  
853 Section 20-2-319.1;

854 (2) Facilitate enrollment in one or more courses pursuant to the clearing-house  
855 established pursuant to Code Section 20-2-319.3;

856 ~~(2)(3) Enter into a contract with an approved a provider under subsection (c) of this Code~~  
857 ~~section for the provision of a full-time program under paragraph (1) of subsection (a) of~~  
858 ~~this Code section or a part-time program under paragraph (2) of subsection (a) of this~~  
859 ~~Code section; or~~

860 ~~(3)(4) Enter into an agreement with another local school system or systems to allow the~~  
861 ~~participation of its students in an approved virtual instruction program provided by such~~  
862 ~~other local school system or systems. The agreement shall indicate a process for the~~  
863 ~~transfer of funds.~~

864 Contracts and agreements entered into pursuant to paragraph ~~(2)(3)~~ or ~~(3)(4)~~ of this  
865 subsection may include multidistrict contractual arrangements that may be executed by a  
866 regional educational service agency for its member school systems.

867 ~~(c) The department shall annually provide local school systems with a list of providers~~  
868 ~~approved to offer virtual instruction programs. To be approved by the department, a~~  
869 ~~provider shall document that it:~~

870 ~~(1) Possesses prior, successful experience offering online courses to elementary, middle,~~  
871 ~~or high school students, as demonstrated through quantified student performance~~  
872 ~~improvements for each subject area and grade level provided for consideration as~~  
873 ~~instructional program options;~~

874 ~~(2) Assures instructional and curricular quality through a detailed curriculum and student~~  
875 ~~performance accountability plan that addresses every subject and grade level intended for~~  
876 ~~provision within local school system contracts, including:~~

877 ~~(A) Courses and programs that meet the nationally recognized standards for K-12~~  
878 ~~online learning;~~

879 ~~(B) Instructional content and services that align with and measure student attainment~~  
880 ~~of proficiency in the state-approved curriculum; and~~

881 ~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for~~  
882 ~~grade level promotion and high school graduation with a standard diploma, as~~  
883 ~~appropriate; and~~

884 ~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of~~  
 885 ~~Education, for the general public, as part of its application as a provider, and in all~~  
 886 ~~contracts negotiated pursuant to this Code section:~~

887 ~~(A) Information and data about each full-time and part-time program regarding its~~  
 888 ~~curriculum;~~

889 ~~(B) School policies and procedures;~~

890 ~~(C) Certification status of all administrative and instructional personnel;~~

891 ~~(D) Teacher-student ratios;~~

892 ~~(E) Student completion and promotion rates; and~~

893 ~~(F) Student, educator, and school performance accountability outcomes.~~

894 ~~(d) An approved provider shall retain its approved status for a period of five years after the~~  
 895 ~~date of the department's approval pursuant to subsection (c) of this Code section as long~~  
 896 ~~as the provider continues to comply with all requirements of this Code section; provided,~~  
 897 ~~however, that each provider approved by the department for the 2013-2014 school year~~  
 898 ~~shall reapply for approval to provide a part-time program for students in grades three~~  
 899 ~~through 12.~~

900 ~~(e)(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code~~  
 901 ~~section with an approved a provider shall at a minimum set forth a detailed curriculum plan~~  
 902 ~~that illustrates how students will be provided services for, and be measured for attainment~~  
 903 ~~of, proficiency in state curriculum requirements for content standards for each grade level~~  
 904 ~~and subject."~~

905 **SECTION 33.**

906 Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on  
 907 assisting local boards of education in acquiring digital learning, and designating said Code  
 908 section as reserved.

909 **SECTION 34.**

910 Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating  
 911 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's  
 912 Economy Act," as follows:

913 "(5) 'Focused program of study' means a rigorous academic core combined with a focus  
 914 in mathematics and science; a focus in humanities, fine arts, and foreign language; or a  
 915 coherent sequence of career pathway courses that is aligned with graduation requirements  
 916 established by the State Board of Education and ~~curriculum requirements~~ content  
 917 standards established pursuant to Part 2 of this article that prepares a student for  
 918 postsecondary education or immediate employment after high school graduation."

919 **SECTION 35.**

920 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating  
 921 to requirements for high schools that receive a reform grant, as follows:

922 "(1) Provide focused programs of study which are designed to provide a well-rounded  
 923 education for students by fostering artistic creativity, critical thinking, and self-discipline  
 924 through the teaching of academic content, knowledge, and skills that students will use in  
 925 the workplace, further education, and life. The focused programs of study, whether  
 926 provided at a choice technical high school, a college and career academy, a traditional  
 927 high school, or on site at a technical school or college or a public college or university,  
 928 shall be aligned with graduation requirements established by the State Board of Education  
 929 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this  
 930 article, including, at a minimum, four years of mathematics, Algebra I and higher, and  
 931 four years of English, with an emphasis on developing reading and writing skills to meet  
 932 college and career readiness standards;"

933 **SECTION 36.**

934 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating  
 935 to educational entities and requirements for private schools and home study programs, as  
 936 follows:

937 "(c) Parents or guardians may teach their children at home in a home study program which  
 938 meets the following requirements:

939 (1) The parent, parents, or guardian must submit within 30 days after the establishment  
 940 of a home study program and by September 1 annually thereafter a declaration of intent  
 941 to utilize a home study program to the Department of Education, which shall provide for  
 942 written or electronic submittal of such declaration of intent;

943 (2) The declaration shall include a list of the names and ages of the students who are  
 944 enrolled in the home study program, the address where the home study program is  
 945 located, the local school system in which the home study program is located, and a  
 946 statement of the 12 month period that is to be considered the school year for that home  
 947 study program. Enrollment records and reports shall not be used for any purpose except  
 948 providing necessary enrollment information, except with the permission of the parent or  
 949 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

950 (3) Parents or guardians may teach only their own children in the home study program,  
 951 provided the teaching parent or guardian possesses at least a high school diploma or a  
 952 general educational development diploma, but the parents or guardians may employ a  
 953 tutor who holds a high school diploma or a general educational development diploma to  
 954 teach such children;

955 (4) The home study program shall provide a basic academic educational program which  
 956 includes, but is not limited to, reading, language arts, mathematics, social studies, and  
 957 science;

958 (5) The home study program must provide instruction each 12 months to home study  
 959 students equivalent to 180 school days of education with each school day consisting of  
 960 at least four and one-half school hours unless the child is physically unable to comply  
 961 with the rule provided for in this paragraph;

962 (6) The parent or guardian shall have the authority to execute any document required by  
 963 law, rule, regulation, or policy to evidence the enrollment of a child in a home study  
 964 program, the student's full-time or part-time status, the student's grades, or any other  
 965 required educational information. This shall include, but not be limited to, documents for  
 966 purposes of verification of attendance by the Department of Driver Services, for the  
 967 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required  
 968 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents  
 969 required to apply for the receipt of state or federal public assistance;

970 (7) Students in home study programs shall be subject to an appropriate nationally  
 971 standardized testing program administered in consultation with a person trained in the  
 972 administration and interpretation of norm reference tests to evaluate their educational  
 973 progress at least every three years beginning at the end of the third grade and records of  
 974 such tests and scores shall be retained but shall not be required to be submitted to public  
 975 educational authorities; and

976 (8) The home study program instructor shall write an annual progress assessment report  
 977 which shall include the instructor's individualized assessment of the student's academic  
 978 progress in each of the subject areas specified in paragraph (4) of this subsection, and  
 979 such progress reports shall be retained by the parent, parents, or guardian of children in  
 980 the home study program for a period of at least three years."

981 **SECTION 37.**

982 Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating  
 983 to contributions by employees, state, and local employers and withholding or deducting  
 984 employees' contributions for health insurance for public school teachers, as follows:

985 "(b) As the local employer's share, the local employer shall contribute to the health  
 986 insurance fund such portion of the cost of such benefits as may be established by the  
 987 Governor and the board and, in addition thereto, an amount to be established by the board  
 988 to defray the cost of administration. The board shall determine whether such portion shall  
 989 be determined based upon a percentage of the total outlay for the salaries of teachers  
 990 employed by the local employer or determined on an amount per employee electing

991 coverage under the plan based on the coverage elected, in accordance with the  
 992 appropriation of funds. If a local employer fails to remit the employer's share as calculated  
 993 by the commissioner, as provided in this Code section, it shall be the duty of the  
 994 commissioner to notify the State Board of Education of such failure and it shall be the duty  
 995 of the State Board of Education to, with reasonable promptness, withhold from the  
 996 employer which has failed to comply ~~all appropriations allotted to such employer until such~~  
 997 ~~employer has fully complied with the provisions of this Code section by making remittance~~  
 998 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully  
 999 satisfy the outstanding obligation of the local employer to the health insurance fund. Such  
 1000 withheld funds shall be promptly transmitted by the state board to the Department of  
 1001 Community Health."

### 1002 SECTION 38.

1003 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating  
 1004 to withholding or deducting employees' contributions for health insurance for public school  
 1005 employees, as follows:

1006 "(b) The Department of Education and local school systems shall contribute to the health  
 1007 insurance fund such portion of the costs of such benefits as may be established by the board  
 1008 to maintain the employee contributions consistent with other health insurance plans  
 1009 administered by the board. In the event that the commissioner shall determine that a local  
 1010 employer has failed to contribute the full amount of such portion, as calculated by the  
 1011 commissioner, it shall be the duty of the commissioner to notify the State Board of  
 1012 Education of such failure and it shall be the duty of the State Board of Education to, with  
 1013 reasonable promptness, withhold from the employer which has failed to comply ~~all~~  
 1014 ~~appropriations allotted to such employer until such employer has fully complied with the~~  
 1015 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state  
 1016 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the  
 1017 local employer to the health insurance fund. Such withheld funds shall be promptly  
 1018 transmitted by the state board to the Department of Community Health."

### 1019 SECTION 39.

1020 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating  
 1021 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth  
 1022 consecutive school year, as follows:

1023 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school  
 1024 year from the same local board of education may be demoted or the teacher's contract

1025 may not be renewed only for those reasons set forth in subsection (a) of Code Section  
1026 20-2-940.

1027 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year  
1028 contract for the fourth or subsequent consecutive school year from the same local board  
1029 of education, the teacher must be given written notice of the intention to demote or not  
1030 renew the contract of the teacher. Such notice shall be given by certified mail or statutory  
1031 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice  
1032 shall contain a conspicuous statement in substantially the following form:

1033 You have the right to certain procedural safeguards before you can be demoted or  
1034 dismissed. These safeguards include the right to notice of the reasons for the action  
1035 against you and the right to a hearing. If you desire these rights you must send to the  
1036 school superintendent by certified mail or statutory overnight delivery a statement that  
1037 you wish to have a hearing; and such statement must be mailed to the school  
1038 superintendent within 20 days after this notice was mailed to you. Your rights are  
1039 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and  
1040 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

1041 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code  
1042 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.

1043 A teacher who is so notified that he or she is to be demoted or that his or her contract will  
1044 not be renewed has the right to the procedures set forth in subsections (b) through (f) of  
1045 Code Section 20-2-940 before the intended action is taken. A teacher who has the right  
1046 to these procedures must serve written notice on the superintendent of the local board  
1047 employing the teacher within 20 days of the day the notice of the intended action is  
1048 served that he or she requests a hearing. In order to be effective, such written notice that  
1049 the teacher requests implementation of such procedures must be served by certified mail  
1050 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.  
1051 Within 14 days of service of the request to implement the procedures, the local board  
1052 must furnish the teacher a notice that complies with the requirements of subsection (b)  
1053 of Code Section 20-2-940.

1054 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,  
1055 while the teacher is serving under the third consecutive school year contract, the local  
1056 board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew  
1057 the teacher's contract for the ensuing school year, and the teacher does not serve notice  
1058 in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school  
1059 year that he or she does not accept the fourth consecutive school year contract.

1060 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection  
1061 who is subsequently employed by another local board of education and who accepts a

1062 second consecutive school year contract from the local board at which the teacher is  
 1063 subsequently employed may be demoted or the teacher's contract may not be renewed  
 1064 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The  
 1065 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a  
 1066 teacher.

1067 (5) A teacher is deemed to have accepted a second consecutive school year contract if,  
 1068 while the teacher is serving under the first school year contract, the local board does not  
 1069 serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's  
 1070 contract for the ensuing school year, and the teacher does not serve notice in writing on  
 1071 the local board of education by ~~May 1~~ June 1 of the first school year that he or she does  
 1072 not accept the second consecutive school year contract.

1073 (6) Local boards shall make contract offers available to teachers for a minimum ten-day  
 1074 review period. A teacher accepts the contract by signing and returning it any time during  
 1075 the ten-day period.

1076 (7)(A) Professional certificated personnel employed by a county or independent local  
 1077 school system that becomes consolidated with or merged into another county or  
 1078 independent local school system as provided in Article 8 of this chapter or otherwise  
 1079 shall retain their employment, except as provided in subparagraph (B) of this paragraph,  
 1080 in the newly created, or surviving, school system. Said professional certificated  
 1081 personnel shall retain and carry over all the rights already accrued and earned in the  
 1082 professional certificated personnel's prior school system and as set forth in this  
 1083 paragraph.

1084 (B) Any reductions in staff due to loss of students or cancellation of programs in the  
 1085 newly created, or surviving, school system necessitated by the consolidation or merger  
 1086 shall be made first in preference of retaining professional certificated personnel on the  
 1087 basis of uniformly applied criteria set forth in local school board policies of the newly  
 1088 created, or surviving, school system."

1089 **SECTION 40.**

1090 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,  
 1091 relating to local board tribunals to determine school law controversies, appeals, and special  
 1092 provisions for disabled children, as follows:

1093 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue  
 1094 after a hearing shall have the right to appeal therefrom to the State Board of Education.  
 1095 The appeal shall be in writing and shall distinctly set forth the question in dispute, the  
 1096 decision of the local board, and a concise statement of the reasons why the decision is  
 1097 complained of; and the party taking the appeal shall also file with the appeal a transcript



1098 of testimony certified as true and correct by the local school superintendent. The appeal  
 1099 shall be filed with the superintendent within 30 days of the decision of the local board, and  
 1100 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the  
 1101 appeal together with the transcript of evidence and proceedings, the decision of the local  
 1102 board, and other matters in the file relating to the appeal to the state board. The state board  
 1103 shall adopt regulations governing the procedure for hearings before the local board and  
 1104 proceedings before it. The state board may affirm, reverse, or remand the local board  
 1105 decision or may refer the matter to mediation."

#### 1106 **SECTION 41.**

1107 Said chapter is further amended by adding a new paragraph to Code Section 20-2-2062,  
 1108 relating to definitions, to read as follows:

1109 "(1.2) 'Charter authorizer' or 'authorizer' means the State Board of Education, the State  
 1110 Charter Schools Commission, or a local board of education in this state authorized to  
 1111 approve or deny charter petitions pursuant to this article or Article 31A."

#### 1112 **SECTION 42.**

1113 Said chapter is further amended by adding new subsections to Code Section 20-2-2063,  
 1114 relating to charter petitions, to read as follows:

1115 "(e) The State Board of Education shall establish rules, regulations, policies, and  
 1116 procedures to provide a separate and expedited petition process for high-performing charter  
 1117 schools to replicate, renew, or expand their school design. Such rules, regulations, policies,  
 1118 and procedures shall require the charter school replication, renewal, or expansion petition  
 1119 to contain evidence of academic success for the school design that the charter school  
 1120 petitioner intends to replicate, renew, or expand, along with proof that the petitioner has  
 1121 the financial and human resources necessary to replicate, renew or expand the design  
 1122 successfully.

1123 (f) The state board shall establish annual application deadlines of May 1 and November 1  
 1124 for charter petitioners to submit charter petitions to a local board of education and  
 1125 concurrently to the state board."

#### 1126 **SECTION 42A.**

1127 Said chapter is further amended by revising Code Section 20-2-2064, relating to approval or  
 1128 denial of petitions, as follows:

1129 "20-2-2064.

1130 (a) A charter petitioner seeking to create a conversion charter school must submit a  
 1131 petition to the local board of the local school system in which the proposed charter school

1132 will be located and concurrently to the state board. The local board must by a majority  
 1133 vote approve or deny a petition no later than 90 days after its submission unless the  
 1134 petitioner requests an extension; provided, however, that a denial of a petition by a local  
 1135 board shall not preclude the submission to the local board of a revised petition that  
 1136 addresses deficiencies cited in the denial; and provided, further, that the local board shall  
 1137 not act upon a petition for a conversion charter school, including, but not limited to, a  
 1138 conversion charter for a high school cluster, until such petition:

1139 (1)(A) Has been freely agreed to, by secret ballot, by a majority of the faculty and  
 1140 instructional staff members of the petitioning local school at a public meeting called  
 1141 with two weeks' advance notice for the purpose of deciding whether to submit the  
 1142 petition to the local board for its approval; and

1143 (B) Has been freely agreed to, by secret ballot, by a majority of the parents or  
 1144 guardians of students enrolled in the petitioning local school present at a public meeting  
 1145 called with two weeks' advance notice for the purpose of deciding whether to submit  
 1146 the petition to the local board for its approval; or

1147 (2) If for a high school cluster, has been approved by a majority of the school councils  
 1148 in the high school cluster and has been freely agreed to, by secret ballot, by at least 60  
 1149 percent of the combined vote of the faculty and instructional staff members of the high  
 1150 school cluster and the parents or guardians of students who reside in the attendance zone  
 1151 of such high school cluster present at a public meeting called with two weeks' advance  
 1152 notice for the purpose of deciding whether to submit the petition to the local board for its  
 1153 approval. Each school council within the high school cluster shall appoint two  
 1154 representatives to a committee that shall conduct the vote.

1155 This subsection shall not apply to a system charter school petitioning to be a conversion  
 1156 charter school.

1157 (b) A charter petitioner seeking to create a start-up charter school must submit a petition  
 1158 to the local board of the local school system in which the proposed charter school will be  
 1159 located and concurrently to the state board. The local board must by a majority vote  
 1160 approve or deny a petition no later than 90 days after its submission unless the petitioner  
 1161 requests an extension. A denial of a petition by a local board shall not preclude the  
 1162 submission to the local board of a revised petition that addresses deficiencies cited in the  
 1163 denial.

1164 (c) A system charter school's school council or governing council, as applicable, may  
 1165 petition to become a conversion charter school. The petition shall be submitted to the local  
 1166 board of the charter system in which the school is located and concurrently to the state  
 1167 board. The local board must by a majority vote approve or deny a petition no later than 90  
 1168 days after its submission unless the petitioner requests an extension; provided, however,

1169 that a denial of a petition by a local board shall not preclude the submission to the local  
 1170 board and concurrently to the state board of a revised petition that addresses deficiencies  
 1171 cited in the denial.

1172 (d) A local board shall approve a petition that complies with the rules, regulations,  
 1173 policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the  
 1174 provisions of this title and is in the public interest. If a local board denies a petition, it must  
 1175 within 60 days of such denial specifically state the reasons for the denial, list all  
 1176 deficiencies with respect to Code Section 20-2-2063, and provide a written statement of the  
 1177 denial to the charter petitioner and the state board.

1178 (e) The state board or the Charter Advisory Committee, if directed by the state board to  
 1179 do so, may mediate between the local board and a charter petitioner whose petition was  
 1180 denied to assist in resolving issues which led to denial of the petition by the local board."

#### 1181 **SECTION 42B.**

1182 Said chapter is further amended by revising Code Section 20-2-2064.1, relating to review of  
 1183 charter by state board and charters for state chartered special schools, as follows:

1184 "20-2-2064.1.

1185 (a) Prior to approval or denial of a charter petition under this Code section, the state board  
 1186 shall receive and give all due consideration to the recommendation and input from the  
 1187 Charter Advisory Committee established in Code Section 20-2-2063.1.

1188 (b) The state board shall approve the charter of a charter petitioner if the petition has been  
 1189 approved by the local board of the local school system in which the proposed charter  
 1190 school will be located and the state board finds, after receiving input from the Charter  
 1191 Advisory Committee, that the petition complies with the rules, regulations, policies, and  
 1192 procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of  
 1193 this title and is in the public interest. The state board shall approve or deny a petition that  
 1194 has been approved by such local board no later than 210 days after such petition was  
 1195 originally submitted to the local board and concurrently to the state board pursuant to Code  
 1196 Section 20-2-2064. If the state board denies a petition, it must within 60 days of such  
 1197 denial specifically state the reasons for the denial, list all deficiencies with regard to Code  
 1198 Section 20-2-2063, and provide a written statement of the denial to the charter petitioner  
 1199 and to the local board. If the state board approves a petition, the charter shall be executed  
 1200 by the state board, local board, and charter petitioner no later than 240 days after such  
 1201 petition was originally submitted to the local board and concurrently to the state board  
 1202 pursuant to Code Section 20-2-2064.

1203 (c) No application for a state chartered special school may be made to the state board by  
 1204 a petitioner for a conversion charter school that has been denied by a local board. Upon

1205 denial of a petition for a start-up charter school by a local board and upon application to  
 1206 the state board by the petitioner, the state board shall approve the charter of a start-up  
 1207 charter petitioner for a state chartered special school if the state board finds, after receiving  
 1208 input from the Charter Advisory Committee, that such petition meets the requirements set  
 1209 forth in Code Section 20-2-2063 and the provisions of this title, and is in the public interest.  
 1210 The state board shall approve or deny a petition for a state chartered special school no later  
 1211 than 210 days after such petition was originally submitted to the local board and  
 1212 concurrently to the state board pursuant to Code Section 20-2-2064. If the state board  
 1213 approves a petition, the charter for a state chartered special school shall be executed by the  
 1214 state board and the charter petitioner no later than 240 days after such petition was  
 1215 originally submitted to the local board and concurrently to the state board pursuant to Code  
 1216 Section 20-2-2064."

### 1217 SECTION 43.

1218 Said chapter is further amended by adding a new Code section to read as follows:

1219 "20-2-2064.2.

1220 (a) The General Assembly finds that:

1221 (1) A quality charter authorizer engages in responsible oversight of charter schools by  
 1222 ensuring that schools have both the autonomy to which they are entitled and the public  
 1223 accountability for which they are responsible; and

1224 (2) Charter authorizers should be guided by the following three core principles of charter  
 1225 authorizing:

1226 (A) Maintain high standards for charter schools;

1227 (B) Uphold charter school autonomy; and

1228 (C) Protect student and public interests.

1229 (b) To solicit, encourage, and guide the development of quality charter school petitions,  
 1230 the State Board of Education shall establish rules, regulations, policies, and procedures  
 1231 requiring every charter authorizer that oversees a charter school or that has received a  
 1232 charter petition to develop and annually publish a policy statement based on national best  
 1233 practices.

1234 (c) A charter authorizer's petition review process shall include thorough evaluation of each  
 1235 written charter petition, an in-person interview with the petitioner, and an opportunity in  
 1236 a public meeting for local residents or other interested persons to provide comment;  
 1237 provided, however, that if a charter petition has serious defects as determined by the charter  
 1238 authorizer, the charter authorizer shall not be required to conduct the interview or hold the  
 1239 public meeting until such time as the defects are resolved.

1240 (d) An authorizer shall monitor the performance and legal compliance of the charter

1241 schools it oversees, including collecting and analyzing data to support ongoing evaluation  
 1242 according to the charter. Every authorizer shall have the authority to conduct or require  
 1243 oversight activities that enable the authorizer to fulfill its responsibilities, including  
 1244 conducting appropriate inquiries and investigations, so long as those activities adhere to  
 1245 the terms of the charter and do not unduly inhibit the autonomy granted to charter schools.  
 1246 (e) In the event that a charter school's performance or legal compliance appears  
 1247 unsatisfactory, the authorizer shall promptly notify the charter school in writing of the  
 1248 perceived problem and provide reasonable opportunity for the charter school to remedy the  
 1249 problem, unless the problem warrants termination in which case provisions of Code Section  
 1250 20-2-2068 or 20-2-2083 and the terms of the charter apply.  
 1251 (f) The state board shall identify the charter authorizers that fail to satisfy the requirements  
 1252 of subsections (b) through (e) of this Code section, along with relevant information on the  
 1253 charter authorizer's charter school portfolio, in its annual report to the General Assembly  
 1254 pursuant to Code Section 20-2-2070."

#### 1255 **SECTION 44.**

1256 Said chapter is further amended by revising Code Section 20-2-2066, relating to admission,  
 1257 enrollment, and withdrawal of students, as follows:

1258 "20-2-2066.

1259 (a) A local charter school shall enroll students in the following manner:

1260 (1)(A) A start-up charter school shall enroll any student who resides in the charter  
 1261 attendance zone as specified in the charter and who submits a timely application as  
 1262 specified in the charter unless the number of applications exceeds the capacity of a  
 1263 program, class, grade level, or building. In such case, all such applicants shall have an  
 1264 equal chance of being admitted through a random selection process unless otherwise  
 1265 prohibited by law; provided, however, that a start-up charter school may give  
 1266 enrollment preference to applicants in any one or more of the following categories in  
 1267 the order of priority specified in the charter:

1268 (i) Students who reside in a specified political subdivision within the charter  
 1269 attendance zone. For purposes of this division, the term 'political subdivision' means  
 1270 a local school system, county, municipal corporation, consolidated city-county  
 1271 government, or other political subdivision of the state created by or pursuant to the  
 1272 Constitution of Georgia or any general, local, or special Act of the General Assembly  
 1273 or any community improvement district of the state;

1274 (i)(ii) A sibling of a student enrolled in the start-up charter school;

1275 (ii)(iii) A sibling of a student enrolled in another local school designated in the  
 1276 charter;

1277 ~~(iii)~~(iv) A student whose parent or guardian is a member of the governing board of  
 1278 the charter school or is a full-time teacher, professional, or other employee at the  
 1279 charter school;

1280 ~~(iv)~~(v) Students matriculating from a local school designated in the charter; and

1281 ~~(v)~~(vi) Children who matriculate from a pre-kindergarten program which is  
 1282 associated with the school, including, but not limited to, programs which share  
 1283 common facilities or campuses with the school or programs which have established  
 1284 a partnership or cooperative efforts with the school; and

1285 (B) A conversion charter school shall enroll any student who resides in the attendance  
 1286 zone specified in the charter and who submits a timely application as specified in the  
 1287 charter. If the number of applying students who reside in the attendance zone does not  
 1288 exceed the capacity as specified in the charter, additional students shall be enrolled  
 1289 based on a random selection process; provided, however, that enrollment preferences  
 1290 may be given to applicants in any one or more of the following categories in the order  
 1291 of priority specified in the charter:

1292 (i) Students who reside in a specified political subdivision within the charter  
 1293 attendance zone. For purposes of this division, the term 'political subdivision' means  
 1294 a local school system, county, municipal corporation, consolidated city-county  
 1295 government, or other political subdivision of the state created by or pursuant to the  
 1296 Constitution of Georgia or any general, local, or special Act of the General Assembly  
 1297 or any community improvement district of the state;

1298 ~~(i)~~(ii) A sibling of a student enrolled in the charter school or in any school in the high  
 1299 school cluster;

1300 ~~(ii)~~(iii) Students whose parent or guardian is a member of the governing board of the  
 1301 charter school or is a full-time teacher, professional, or other employee at the charter  
 1302 school;

1303 ~~(iii)~~(iv) Students who were enrolled in the local school prior to its becoming a charter  
 1304 school;

1305 ~~(iv)~~(v) Students who reside in the charter attendance zone specified in the charter;  
 1306 and

1307 ~~(v)~~(vi) Children who matriculate from a pre-kindergarten program which is  
 1308 associated with the school, including, but not limited to, programs which share  
 1309 common facilities or campuses with the school or programs which have established  
 1310 a partnership or cooperative efforts with the school; and

1311 (2) A student who resides outside the school system in which the local charter school is  
 1312 located may not enroll in that local charter school except pursuant to a contractual  
 1313 agreement between the local boards of the school system in which the student resides and

1314 the school system in which the local charter school is located. Unless otherwise provided  
 1315 in such contractual agreement, a local charter school may give enrollment preference to  
 1316 a sibling of a nonresident student currently enrolled in the local charter school.

1317 (b) A state chartered special school shall enroll any student who resides in the attendance  
 1318 zone specified in the charter and who submits a timely application as specified in the  
 1319 charter unless the number of applications exceeds the capacity of a program, class, grade  
 1320 level, or building. The period of time during which an application for enrollment may be  
 1321 submitted shall be specified in the charter. In such case, all such applicants shall have an  
 1322 equal chance of being admitted through a random selection process unless otherwise  
 1323 prohibited by law; provided, however, that a state chartered special school may give  
 1324 enrollment preference to ~~a child of a full-time teacher, professional, or other employee of~~  
 1325 ~~the state chartered special school as provided for in subsection (b) of Code Section~~  
 1326 ~~20-2-293 or to a sibling of a student currently enrolled in the state chartered special school~~  
 1327 applicants in any one or more of the following categories in the order of priority specified  
 1328 in the charter:

1329 (1) Students who reside in a specified political subdivision within the charter attendance  
 1330 zone. For purposes of this paragraph, the term 'political subdivision' means a local school  
 1331 system, county, municipal corporation, consolidated city-county government, or other  
 1332 political subdivision of the state created by or pursuant to the Constitution of Georgia or  
 1333 any general, local, or special Act of the General Assembly or any community  
 1334 improvement district of the state;

1335 (2) A sibling of a student enrolled in the state charter school;

1336 (3) A sibling of a student enrolled in another local school designated in the charter;

1337 (4) A student whose parent or guardian is a member of the governing board of the state  
 1338 charter school or is a full-time teacher, professional, or other employee at the state charter  
 1339 school;

1340 (5) Students matriculating from a local school designated in the charter; and

1341 (6) Children who matriculate from a pre-kindergarten program which is associated with  
 1342 the state charter school, including, but not limited to, programs which share common  
 1343 facilities or campuses with the school or programs which have established a partnership  
 1344 or cooperative efforts with the school.

1345 (b.1) A charter system shall enroll students in its system charter schools per the terms of  
 1346 the charter and in accordance with state board rules.

1347 (c) A charter school shall not discriminate on any basis that would be illegal if used by a  
 1348 school system.

1349 (d) A student may withdraw without penalty from a charter school at any time and enroll  
 1350 in a local school in the school system in which such student resides as may be provided for

1351 by the policies of the local board. A student who is suspended or expelled from a charter  
 1352 school as a result of a disciplinary action taken by a charter school shall be entitled to enroll  
 1353 in a local school within the local school system in which the student resides, if, under the  
 1354 disciplinary policy of the local school system, such student would not have been subject  
 1355 to suspension or expulsion for the conduct which gave rise to the suspension or expulsion.  
 1356 In such instances, the local board shall not be required to independently verify the nature  
 1357 or occurrence of the applicable conduct or any evidence relating thereto."

#### 1358 SECTION 45.

1359 Said chapter is further amended by adding new subsections to Code Section 20-2-2068.1,  
 1360 relating to charter school funding, to read as follows:

1361 "(i) The per student funding formula based on the school's projected enrollment, school  
 1362 profile, and student characteristics that is included in a charter petition which is approved  
 1363 by a local board shall be binding on such local board and the local board shall ensure that  
 1364 the charter school receives, at a minimum, the proportional level of state, local, and federal  
 1365 funding provided in such charter petition and approved charter.

1366 (j) No later than April 1 of each year, a local charter school shall notify the local board and  
 1367 the department and a state chartered special school shall notify the department of the  
 1368 funding estimates calculated pursuant to this subsection for any new local charter school  
 1369 or state chartered special school and for any new grade levels or for a level of enrollment  
 1370 growth in an existing grade level specified in the charter offered by existing local charter  
 1371 schools or state chartered special schools. For purposes of funding students enrolled in a  
 1372 local charter school or a state chartered special school and prior to the initial student count,  
 1373 the local board or department, respectively, shall calculate and distribute, no later than July  
 1374 1, the initial funding for the local charter school or state chartered special school on the  
 1375 basis of the funding estimate provided in this subsection. Nothing in this subsection shall  
 1376 be construed to require the department to conduct more than two student counts per year."

#### 1377 SECTION 46.

1378 Said chapter is further amended by revising subsection (h) of Code Section 20-2-2068.2,  
 1379 relating to facilities fund for charter schools, purposes which funds may be used, upkeep of  
 1380 charter school property, and availability of unused facilities, as follows:

1381 "(h)(1) As used in this subsection, the term 'unused facility' means a school building or  
 1382 other local board of education owned building that is or could be appropriate for school  
 1383 use in which less than 40 percent of the direct student instruction and critical  
 1384 administration space is being used.

1385 (2) Each local board of education shall make its unused facilities available to local



1386 charter schools. The terms of the use of such a facility by the charter school shall be  
 1387 subject to negotiation between the board and the local charter school and shall be  
 1388 memorialized as a separate agreement. A local charter school that is allowed to use such  
 1389 a facility under such an agreement shall not sell or dispose of any interest in such  
 1390 property without the written permission of the local board. A local charter school may  
 1391 not be charged a rental or leasing fee for the existing facility or for property normally  
 1392 used by the public school which became the local charter school. A local charter school  
 1393 that receives property from a local board may not sell or dispose of such property without  
 1394 the written permission of the local board.

1395 (3)(A) A local charter school shall have a right of first refusal to purchase at or below  
 1396 fair market value an unused facility. If, at the time a facility first becomes unused, the  
 1397 local board that owns the facility has a plan to reuse the facility within an 18 month  
 1398 period, the local board shall not be required to include the facility in its submission to  
 1399 the department. However, a local board may exclude an unused facility from the  
 1400 annual data base only once. Each local board of education shall annually, by a deadline  
 1401 and in accordance with guidelines established by the department, submit to the  
 1402 department a list of its unused facilities. The department shall, based on the  
 1403 submissions of the local board, publish to its website a searchable data base of unused  
 1404 facilities.

1405 (B) The department shall monitor the searchable data base and notify all local charter  
 1406 schools of unused facilities that are available and may be appropriate for school use.

1407 (C) The department shall establish minimum standards for an application process for  
 1408 local charter schools to facilitate the purchase of unused facilities from local boards.  
 1409 The local board that owns the unused facility shall conduct the sale and receive any  
 1410 funds realized from the sale of such facility under its control.

1411 (D) In the event more than one local charter school applies to purchase an unused  
 1412 facility, the local board shall establish a competitive bidding process. In scoring bids,  
 1413 the local board shall give weight to academic quality and performance, financial health,  
 1414 community impact, and the program design of the charter school. If the local board  
 1415 receives two or more bids of equal score, the local board shall accept a bid based on a  
 1416 random draw conducted at a public hearing. The department may establish guidelines  
 1417 on how the competitive bidding process must be conducted.

1418 (E) This paragraph shall not be interpreted to limit the ability of a local school to  
 1419 convert to a charter school pursuant to Code section 20-2-2064 or to limit the ability of  
 1420 a local board to provide a facility to a local charter school pursuant to paragraph (2) of  
 1421 this subsection."

**SECTION 47.**

1422  
1423 Said chapter is further amended by revising subsection (a) and paragraph (1) of subsection  
1424 (c) of Code Section 20-2-2083, relating to powers and duties of the State Charter Schools  
1425 Commission, as follows:

1426 "(a) The commission shall have the power to:

1427 (1) Approve or deny petitions for state charter schools and renew, nonrenew, or  
1428 terminate state charter school petitions in accordance with rules and regulations  
1429 established pursuant to this article. At its discretion, the commission may preliminarily  
1430 approve a petition for a state charter school before the petitioner has secured space,  
1431 equipment, or personnel, if the petitioner indicates such preliminary approval is necessary  
1432 for it to raise working capital. The State Board of Education shall review and may  
1433 overrule the approval or renewal of a state charter school by the commission, ~~within 60~~  
1434 ~~days of such decision by the commission~~ no later than 210 days after its submission to  
1435 the commission pursuant to Code Section 20-2-2084, upon a majority vote of the  
1436 members of the state board; and

1437 (2) Conduct facility and curriculum reviews of state charter schools."

1438 "(c)(1) The commission shall establish rules and regulations requiring each state charter  
1439 school to provide adequate notice of its enrollment procedures; ~~including any provision~~  
1440 ~~for the use of a random selection process where all applicants have an equal chance of~~  
1441 ~~being admitted in the event that the number of applications to enroll in the school exceeds~~  
1442 ~~the capacity of the program, grade, or school.~~ A state charter school shall enroll any  
1443 student who resides in the charter attendance zone as specified in the charter and who  
1444 submits a timely application as specified in the charter unless the number of applications  
1445 exceeds the capacity of a program, class, grade level, or building. In such case, all such  
1446 applicants shall have an equal chance of being admitted through a random selection  
1447 process unless otherwise prohibited by law; provided, however, that a state charter school  
1448 may give enrollment preference to applicants in any one or more of the following  
1449 categories in the order of priority specified in the charter:

1450 (A) Students who reside in a specified political subdivision within the charter  
1451 attendance zone. For purposes of this subparagraph, the term 'political subdivision'  
1452 means a local school system, county, municipal corporation, consolidated city-county  
1453 government, or other political subdivision of the state created by or pursuant to the  
1454 Constitution of Georgia or any general, local, or special Act of the General Assembly  
1455 or any community improvement district of the state;

1456 (B) A sibling of a student enrolled in the state charter school;

1457 (C) A sibling of a student enrolled in another local school designated in the charter;

1458 (D) A student whose parent or guardian is a member of the governing board of the state

1459 charter school or is a full-time teacher, professional, or other employee at the state  
 1460 charter school;  
 1461 (E) Students matriculating from a local school designated in the charter; and  
 1462 (F) Children who matriculate from a pre-kindergarten program which is associated  
 1463 with the state charter school, including, but not limited to, programs which share  
 1464 common facilities or campuses with the school or programs which have established a  
 1465 partnership or cooperative efforts with the school."

#### 1466 SECTION 48.

1467 Said chapter is further amended by revising subsections (a) through (c) of and by adding a  
 1468 new subsection to Code Section 20-2-2084, relating to petition for charter schools,  
 1469 requirements of school, governing board membership, and annual training, as follows:

1470 "(a) Petitions submitted to the commission shall be subject to rules and regulations  
 1471 established pursuant to this article. The commission shall establish annual application  
 1472 deadlines of May 1 and November 1 for charter petitioners to submit charter petitions to  
 1473 the commission pursuant to subsection (c) of this Code section.

1474 (b) The commission shall be authorized to approve a petition for a state charter school that  
 1475 meets the following requirements:

1476 (1) Has a state-wide attendance zone, which may include a school which provides  
 1477 instruction in a physical location or which solely provides virtual instruction; or

1478 (2)(A) Has a defined attendance zone; and

1479 (B) Demonstrates that it has special characteristics, such as a special population, a  
 1480 special curriculum, or some other feature or features which enhance educational  
 1481 opportunities, which may include the demonstration of a need to enroll students across  
 1482 multiple communities or an alternative delivery system; provided, however, that the  
 1483 petitioner shall demonstrate a reasonable justification for any proposed special  
 1484 curriculum that has a narrow or limited focus.

1485 (c)(1) For petitions for state charter schools with a state-wide attendance zone, the  
 1486 petitioner shall submit such petition to the commission and concurrently to the local  
 1487 board of education in which the school is proposed to be located for information  
 1488 purposes; provided, however, that this shall not apply to a proposed state charter school  
 1489 which will solely provide virtual instruction.

1490 (2) For petitions for state charter schools with a defined attendance zone, the petitioner  
 1491 shall concurrently submit such petition to the commission, to the local board of education  
 1492 in which the school is proposed to be located, and to each local school system from which  
 1493 the proposed school plans to enroll students. The commission shall not act on a petition  
 1494 unless the local board of education in which the school is proposed to be located denies

1495 the petition; provided, however, that such local board shall approve or deny the petition  
 1496 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of  
 1497 Code Section 20-2-2064, ~~unless the petitioner requested an extension~~. Failure to approve  
 1498 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall  
 1499 be deemed a denial for purposes of this paragraph. A local board that has denied a  
 1500 petition for a state charter school shall be permitted to present to the commission in  
 1501 writing or in person the reasons for denial and the deficiencies in such petition resulting  
 1502 in such denial.

1503 (3) The commission may take into consideration any support or opposition by the local  
 1504 board of education or local boards of education on the start-up charter school petition  
 1505 when it votes to approve or deny a corresponding state charter school petition.

1506 (4) The commission shall approve or deny a petition no later than 150 days after its  
 1507 submission to the commission pursuant to this Code section. If the commission approves  
 1508 a petition, the charter shall be executed by the commission and the charter petitioner no  
 1509 later than 240 days after such petition was originally submitted to the commission  
 1510 pursuant to this Code section."

1511 "(d.1) The commission shall establish rules, regulations, policies, and procedures to  
 1512 provide a separate and expedited petition process for high-performing state charter schools  
 1513 to replicate, renew, or expand their school design. Such rules, regulations, policies, and  
 1514 procedures shall require the charter school replication, renewal, or expansion petition to  
 1515 contain evidence of academic success for the school design that the state charter school  
 1516 petitioner intends to replicate, renew, or expand, along with proof that the petitioner has  
 1517 the financial and human resources necessary to replicate, renew, or expand the design  
 1518 successfully."

#### 1519 **SECTION 49.**

1520 Said chapter is further amended by revising subsections (a) and (d) of Code Section  
 1521 20-2-2089, relating to funding for state charter schools, as follows:

1522 "(a)(1) The earnings for a student in a state charter school shall be equal to the earnings  
 1523 for any other student with similar student characteristics in a state charter school,  
 1524 regardless of the local school system in which the student resides or the school system  
 1525 in which the state charter school is located, and, except as otherwise provided in  
 1526 paragraph (2) of this subsection, the department shall pay to each state charter school  
 1527 through appropriation of state funds an amount equal to the sum of:

1528 (A)(is) QBE formula earnings and QBE grants earned by the state charter school  
 1529 based on the school's enrollment, school profile, and student characteristics. For  
 1530 purposes of this subparagraph, the term 'QBE formula earnings' means funds earned

1531 for the Quality Basic Education Formula pursuant to Code Section 20-2-161,  
 1532 including the portion of such funds that are calculated in accordance with Code  
 1533 Section 20-2-164. QBE formula earnings shall include the salary portion of direct  
 1534 instructional costs, the adjustment for training and experience, the nonsalary portion  
 1535 of direct instructional costs, and earnings for psychologists and school social workers,  
 1536 school administration, facility maintenance and operation, media centers, additional  
 1537 days of instruction in accordance with Code Section 20-2-184.1, and staff  
 1538 development, as determined by the department.

1539 (ii) A proportional share of earned state categorical grants, non-QBE state grants,  
 1540 transportation grants, school nutrition grants, and all other state grants, except state  
 1541 equalization grants, as determined by the department;

1542 (B) The average amount of the total revenues less federal revenues less state revenues  
 1543 other than equalization grants per full-time equivalent for the lowest five school  
 1544 systems ranked by assessed valuation per weighted full-time equivalent count, as  
 1545 determined by the department; and

1546 (C) The state-wide average total capital revenue per full-time equivalent, as determined  
 1547 by the department.

1548 (2) In the event that a state charter school offers virtual instruction:

1549 (A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of  
 1550 this subsection shall be equal to two-thirds of such calculated amount; provided,  
 1551 however, that this two-thirds amount may be increased by any amount up to the  
 1552 originally calculated amount in the discretion of the commission if relevant factors  
 1553 warrant such increase; and

1554 (B) The commission may reduce the amount of funds received pursuant to  
 1555 subparagraph (C) of paragraph (1) of this subsection ~~in proportion to the amount of~~  
 1556 ~~virtual instruction provided and based on factors that affect the cost of providing~~  
 1557 instruction on a proportional basis if the school fails to provide documentation  
 1558 confirming its capital expenditures per full-time equivalent are greater than or equal to  
 1559 the state-wide average.

1560 (3) Any funds deducted from a state charter school pursuant to Code Section 20-2-164,  
 1561 representing the equivalent of a local school system's five mill share, shall be calculated  
 1562 based only on funds received pursuant to subparagraph (B) of paragraph (1) of this  
 1563 subsection. For a state charter school that offers virtual instruction, the amount of the  
 1564 deduction shall be reduced by one-third, unless the commission has increased the school's  
 1565 calculated amount pursuant to subparagraph (A) of paragraph (2) of this subsection, in  
 1566 which case the deduction shall be proportionate to the amount of funding received.

1567 ~~(3)~~(4) For purposes of this subsection, the terms:

1568 (A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax  
 1569 digest reduced by the amount calculated pursuant to subsection (g) of Code Section  
 1570 20-2-164.

1571 (B) 'Assessed valuation per weighted full-time equivalent count' is defined as the  
 1572 assessed valuation for the most recent year available divided by the weighted full-time  
 1573 equivalent count for the year of the digest."

1574 "(d) No later than April 1 of each year, the state charter school shall notify the commission  
 1575 and the department of the funding estimates calculated pursuant to this subsection for any  
 1576 new state charter schools and for any new grade levels or for a level of enrollment growth  
 1577 in an existing grade level specified in the charter. For purposes of funding students  
 1578 enrolled in a state charter school in the first year of such school's operation or for the first  
 1579 year that an existing state charter school offers a new grade level and prior to the initial  
 1580 student count, the commission shall calculate and the department shall distribute, no later  
 1581 than July 1, the initial funding payment for the state charter school on the basis of its  
 1582 projected enrollment according to an enrollment counting procedure or projection method  
 1583 stipulated in the terms of the charter the funding estimates provided in this subsection. No  
 1584 later than July 1 of each year, the commission shall notify the department and the Office  
 1585 of Planning and Budget of the funding estimates calculated pursuant to this subsection for  
 1586 any new state charter schools and for any new grade levels offered by existing state charter  
 1587 schools. After the initial student count during the first year of such state charter school's  
 1588 operation or newly offered grade level and in all years of operation thereafter, each state  
 1589 charter school's student enrollment shall be based on the actual enrollment in the current  
 1590 school year according to the most recent student count. Nothing in this Code section  
 1591 subsection shall be construed to require the department to conduct more than two student  
 1592 counts per year."

#### 1593 SECTION 50.

1594 Said chapter is further amended by adding a new Code section to read as follows:

1595 "20-2-2092.

1596 (a) The commission shall have the power and authority to incorporate a nonprofit  
 1597 corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal  
 1598 Revenue Code to aid the commission in carrying out any of its powers and in  
 1599 accomplishing any of its purposes. Any nonprofit corporation created pursuant to this  
 1600 power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit  
 1601 Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

1602 (b) Any nonprofit corporation created pursuant to this Code section shall be subject to the  
 1603 following provisions:

1604 (1) In accordance with the Constitution of Georgia, no governmental functions or  
1605 regulatory powers shall be conducted by any such nonprofit corporation;

1606 (2) Upon dissolution of any such nonprofit corporation incorporated by the commission,  
1607 any assets shall revert to the commission or to any successor to the commission or, failing  
1608 such succession, to the State of Georgia;

1609 (3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and  
1610 travel expenses. To avoid the appearance of undue influence on regulatory functions by  
1611 donors, no donations to any such nonprofit corporation from private sources shall be used  
1612 for direct employee costs of the commission;

1613 (4) Any such nonprofit corporation shall be subject to all laws relating to open meetings  
1614 and the inspection of public records;

1615 (5) The commission shall not be liable for the action or omission to act of any such  
1616 nonprofit corporation;

1617 (6) No debts, bonds, notes, or other obligations incurred by any such nonprofit  
1618 corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall  
1619 any act of any such nonprofit corporation constitute or result in the creation of an  
1620 indebtedness of the state. No holder or holders of any such bonds, notes, or other  
1621 obligations shall ever have the right to compel any exercise of the taxing power of the  
1622 state nor to enforce the payment thereof against the state; and

1623 (7) Any nonprofit corporation created pursuant to this Code section shall not acquire or  
1624 hold a fee simple interest in real property by any method, including but not limited to gift,  
1625 purchase, condemnation, devise, court order, and exchange.

1626 (c) Pursuant to this Code section, the commission may establish a nonprofit corporation  
1627 to be designated as the State Charter Schools Foundation to actively seek supplemental  
1628 revenue and in-kind goods and services to promote state charter schools and any other  
1629 purpose of the commission. Funds received by the foundation may be awarded through a  
1630 competitive grant process administered by the commission. The General Assembly may  
1631 appropriate funds for purposes of this foundation beginning in Fiscal Year 2015.

1632 (d) Any nonprofit corporation created pursuant to this Code section shall make public and  
1633 provide an annual report showing the identity of all donors and the amount each person or  
1634 entity donated as well as all expenditures or other disposal of money or property donated.  
1635 Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the  
1636 House of Representatives, and the chairpersons of the House Committee on Education and  
1637 the Senate Education and Youth Committee. Any such nonprofit corporation shall also  
1638 provide such persons with a copy of all corporate filings with the federal Internal Revenue  
1639 Service."

1640

**SECTION 51.**

1641 All laws and parts of laws in conflict with this Act are repealed.