

SENATE SUBSTITUTE TO HB 283:

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 update and revise terminology; to delete obsolete, unused, and unnecessary provisions; to  
3 provide that a local board of education member who does not comply with a local Act which  
4 requires the local board to make a submission under the Voting Rights Act shall be guilty of  
5 a misdemeanor; to prohibit the expenditure of public funds for defense; to require the  
6 Attorney General to take certain action; to revise provisions relating to consequences under  
7 an accountability contract; to revise funding weights; to revise provisions for earning funding  
8 for certain personnel; to revise provisions relating to submission of available positions; to  
9 provide for a grant program for technology capital; to revise provisions relating to home  
10 study programs; to clarify and revise certain provisions regarding charter schools, charter  
11 petitions, and charter funding; to authorize the Office of Student Achievement to establish  
12 a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for  
13 other purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

15 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
16 revising Code Section 20-2-60, relating to consolidation of county schools, as follows:

17 "20-2-60.

18 The board of education of any county shall have the right, if, in its opinion, the welfare of  
19 the schools of the county and the best interests of the pupils require, to consolidate two or  
20 more schools into one school, to be located by the county board at a place convenient to  
21 the pupils attending the consolidated school, ~~the schoolhouse to be located as near the~~  
22 ~~center of the district or districts as practicable."~~  
23

**SECTION 2.**

24 Said title is further amended by adding a new Code section to read as follows:  
25

26 "20-2-75.  
 27 (a) A member of a local board of education which is required to cause a local Act relating  
 28 to such local board to be submitted for preclearance under the federal Voting Rights Act  
 29 of 1965 to the United States Department of Justice or filed with the appropriate court in a  
 30 designated timeframe who votes against submission, votes to withdraw a submission that  
 31 has already been made, or takes no action toward complying with such submission  
 32 requirement within the designated timeframe shall be guilty of a misdemeanor.  
 33 (b) A local board of education shall not expend any public funds for attorney's fees or  
 34 expenses of litigation relating to the defense of a criminal action against a local board  
 35 member for a violation of subsection (a) of this Code section.  
 36 (c) Whenever any local board of education fails to cause a local Act relating to such local  
 37 board to be submitted for preclearance under the federal Voting Rights Act of 1965 to the  
 38 United States Department of Justice or filed with the appropriate court in a designated  
 39 timeframe, withdraws a submission that has already been made, or takes no action toward  
 40 complying with such submission requirement within the designated timeframe, the  
 41 Attorney General shall either cause such submission to be made or shall bring such action  
 42 or actions in his or her discretion as may be appropriate to enforce compliance with such  
 43 submission requirements and to seek either civil or criminal penalties or both."

44 **SECTION 3.**

45 Said title is further amended by revising subsection (c) of Code Section 20-2-84, relating to  
 46 accountability, flexibility, and consequences components of a contract, as follows:

47 "(c) The consequences component of the contract provided in Code Section 20-2-83 shall  
 48 include:

49 (1) Interventions or sanctions for failure to meet identified levels of achievement or for  
 50 not showing specified levels of progress pursuant to Code Section 20-14-41, which may  
 51 be accelerated; and

52 (2) Loss of governance of one or more nonperforming schools by the local school system  
 53 in accordance with Code Section 20-2-84.1.

54 Consequences shall be incurred upon noncompliance of a local school system with the  
 55 accountability component of its contract; provided, however, that if a local school system  
 56 has been in compliance with the accountability component of its contract for at least three  
 57 ~~consecutive~~ years, consequences shall not be invoked upon the fifth year of the contract,  
 58 and such school system may request an extension of its contract and corresponding  
 59 flexibility from the state board. If the local school system or a school within the school  
 60 system meets the performance goals in its contract for such school system or school by the  
 61 end of the fifth year of the contract, the school system or school shall be deemed to have

62 met its contract performance goals. The schedule of interventions or sanctions, including  
 63 loss of governance, for failure to meet identified levels of achievement or specified levels  
 64 of progress shall be mutually agreed upon in the contract. If the Office of Student  
 65 Achievement recommends to the state board that loss of governance not be included in a  
 66 contract with respect to a high performing school, the contract may provide alternate terms  
 67 with respect to that school."

#### 68 SECTION 4.

69 Said title is further amended by revising subsection (b) of Code Section 20-2-84.1, relating  
 70 to loss of governance for nonperforming schools, as follows:

71 "(b) Loss of governance shall be invoked upon the end of the fifth year of the contract if  
 72 the school system is in noncompliance as set out in the terms of the contract."

#### 73 SECTION 5.

74 Said title is further amended by revising Code Section 20-2-110, relating to offices for  
 75 county school superintendents, as follows:

76 "20-2-110.

77 ~~The county authorities of each county shall furnish the county school superintendent~~  
 78 ~~thereof an office in the courthouse, provided there is sufficient room in the courthouse after~~  
 79 ~~furnishing the county officers with offices as provided by law. Reserved.~~"

#### 80 SECTION 6.

81 Said title is further amended by revising paragraph (4) of subsection (b) of Code Section  
 82 20-2-151, relating to general and career education programs, as follows:

83 "(4)(A) It is the policy of this state that the primary purposes of the high school  
 84 programs shall be to prepare students for the continuation of their education beyond  
 85 high school and for entry into their chosen career fields as well as to prepare them to  
 86 take their places in society as young adults. The following high school programs for  
 87 grades nine, ten, 11, and 12 are authorized for purposes of funding under this article:

88 (i) The high school education program; and

89 (ii) The ~~vocational~~ career, technical, and agricultural education laboratory program.

90 (B) As a reflection of the reduced teacher-student ratios and more extensive material  
 91 and equipment needed for effective laboratory courses compared to courses with no or  
 92 only limited laboratory experiences, the ~~vocational~~ career, technical, and agricultural  
 93 education laboratory program shall be funded at a higher level than the high school  
 94 general education program. The state board shall adopt criteria which courses must

95 meet in order to qualify for the ~~vocational~~ career, technical, and agricultural education  
 96 laboratory program."

97 **SECTION 7.**

98 Said title is further amended by revising subsection (h) of Code Section 20-2-154.1, relating  
 99 to alternative education programs, as follows:

100 "(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education  
 101 programs shall be based upon a full-time equivalent program count that equals 2.5 percent  
 102 of the sum of the full-time equivalent program count of the middle grades program, the  
 103 middle school program as defined in Code Section 20-2-290, the high school general  
 104 education program (grades nine through 12), and the ~~vocational~~ career, technical, and  
 105 agricultural education laboratory program (grades nine through 12). For the 2002-2003  
 106 school year and thereafter, the amount of state funds appropriated and allocated for the  
 107 alternative education program provided for in this Code section shall be based on the actual  
 108 count of students served during the preceding year, except that the count of students served  
 109 shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the  
 110 middle grades program, the middle school program as defined in Code Section 20-2-290,  
 111 the high school general education program (grades nine through 12), and the ~~vocational~~  
 112 career, technical, and agricultural education laboratory program (grades nine through 12).  
 113 Funds earned may be expended in kindergarten and in grades one through 12."

114 **SECTION 8.**

115 Said title is further amended by revising subsection (a) of Code Section 20-2-160, relating  
 116 to determination of enrollment by institutional program, as follows:

117 "(a) The State Board of Education shall designate the specific dates upon which two counts  
 118 of students enrolled in each instructional program authorized under this article shall be  
 119 made each school year and by which the counts shall be reported to the Department of  
 120 Education. The initial enrollment count shall be made after October 1 but prior to  
 121 November 17 and the final enrollment count after March 1 but prior to May 1. The report  
 122 shall indicate the student's specific assigned program for each one-sixth segment of the  
 123 school day on the designated reporting date. No program shall be indicated for a student  
 124 for any one-sixth segment of the school day that the student is assigned to a study hall; a  
 125 noncredit course; a course recognized under this article or by state board policy as an  
 126 enrichment course, except a driver education course; a course which requires participation  
 127 in an extracurricular activity for which enrollment is on a competitive basis; a course in  
 128 which the student serves as a student assistant to a teacher, in a school office, or in the  
 129 media center, except when such placement is an approved work site of a recognized ~~career~~

130 ~~or vocational~~ career, technical, and agricultural education laboratory program; an  
 131 individual study course for which no outline of course objectives is prepared in writing  
 132 prior to the beginning of the course; or any other course or activity so designated by the  
 133 state board. For the purpose of this Code section, the term 'enrichment course' means a  
 134 course which does not dedicate a major portion of the class time toward the development  
 135 and enhancement of one or more student competencies as adopted by the state board under  
 136 Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth  
 137 segment of the school day for which the student is not enrolled in an instructional program  
 138 or has not attended a class or classes within the preceding ten days; nor shall a program be  
 139 indicated for a student for any one-sixth segment of the school day for which the student  
 140 is charged tuition or fees or is required to provide materials or equipment beyond those  
 141 authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit  
 142 course pursuant to Code Section 20-2-159.5 shall be counted for the high school program  
 143 or other appropriate program for each segment in which the student is attending such dual  
 144 credit course. The state board shall adopt such regulations and criteria as necessary to  
 145 ensure objective and true counts of students in state approved instructional programs. The  
 146 state board shall also establish criteria by which students shall be counted as resident or  
 147 nonresident students, including specific circumstances which may include, but not be  
 148 limited to, students attending another local school system under court order or under the  
 149 terms of a contract between two local school systems. If a local school system has a  
 150 justifiable reason, it may seek authority from the state board to shift full-time equivalent  
 151 program counts from the designated date to a requested alternate date."

152 **SECTION 9.**

153 Said title is further amended by revising subsection (b) of Code Section 20-2-161, relating  
 154 to the Quality Basic Education Formula, and adding a new subsection to read as follows:

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

159	(1) Kindergarten program .....	<del>1.6587</del>
160		<u>1.6508</u>
161		weight and
162		1 to 15
163		ratio

164	(2) Kindergarten early intervention program .....	<del>2.0496</del>
165		<u>2.0348</u>
166		weight and
167		1 to 11
168		ratio
169	(3) Primary grades program (1-3) .....	<del>1.2855</del>
170		<u>1.2849</u>
171		weight and
172		1 to 17
173		ratio
174	(4) Primary grades early intervention program (1-3) .....	<del>1.8029</del>
175		<u>1.7931</u>
176		weight and
177		1 to 11
178		ratio
179	(5) Upper elementary grades program (4-5) .....	<del>1.0323</del>
180		<u>1.0355</u>
181		weight and
182		1 to 23
183		ratio
184	(6) Upper elementary grades early intervention program (4-5) .....	<del>1.7971</del>
185		<u>1.7867</u>
186		weight and
187		1 to 11
188		ratio
189	(7) Middle grades program (6-8) .....	<del>1.0162</del>
190		<u>1.0186</u>
191		weight and
192		1 to 23 ratio
193	(8) Middle school program (6-8) as defined in Code Section 20-2-290 ...	<del>1.1213</del>
194		<u>1.1310</u>
195		weight and
196		1 to 20
197		ratio

198	(9) High school general education program (9-12) .....	1.0000
199		weight and
200		1 to 23
201		ratio
202	(10) <del>Vocational</del> <u>Career, technical, and agricultural education</u> laboratory	<del>1.1847</del>
203	program (9-12) .....	<u>1.1916</u>
204		weight and
205		1 to 20
206		ratio
207	(11) Program for persons with disabilities:	
208	Category I .....	<del>2.3940</del>
209		<u>2.3798</u>
210		weight and
211		1 to 8
212		ratio
213	(12) Program for persons with disabilities:	
214	Category II .....	<del>2.8156</del>
215		<u>2.7883</u>
216		weight and
217		1 to 6.5
218		ratio
219	(13) Program for persons with disabilities:	
220	Category III .....	<del>3.5868</del>
221		<u>3.5493</u>
222		weight and
223		1 to 5
224		ratio
225	(14) Program for persons with disabilities:	
226	Category IV .....	<del>5.8176</del>
227		<u>5.7509</u>
228		weight and
229		1 to 3
230		ratio

231	(15) Program for persons with disabilities:	
232	Category V .....	<del>2.4583</del>
233		<u>2.4511</u>
234		weight and
235		1 to 8
236		ratio
237	(16) Program for intellectually gifted students:	
238	Category VI .....	<del>1.6673</del>
239		<u>1.6589</u>
240		weight and
241		1 to 12
242		ratio
243	(17) Remedial education program .....	<del>1.3128</del>
244		<u>1.3087</u>
245		weight and
246		1 to 15
247		ratio
248	(18) Alternative education program .....	<del>1.6025</del>
249		<u>1.4711</u>
250		weight and
251		1 to 15
252		ratio
253	(19) English for speakers of other languages (ESOL) program .....	<del>2.5306</del>
254		<u>2.5049</u>
255		weight and
256		1 to 7
257		ratio

258 (b.1) Notwithstanding the provisions of subsection (b) of this Code section and the  
 259 requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school  
 260 shall have the funding weight included in paragraph (8) of subsection (b) of this Code  
 261 section for the middle school program, regardless of whether such middle school meets the  
 262 requirements of Code Section 20-2-290."

263 **SECTION 10.**

264 Said title is further amended by revising Code Section 20-2-165.1, relating to charter system  
 265 earnings for each full-time equivalent student, as follows:



266 "20-2-165.1.

267 In addition to the amounts earned by a charter system pursuant to subsection (b) of Code  
 268 Section 20-2-161, a charter system shall earn 3.785 percent of the base amount established  
 269 pursuant to subsection (a) of Code Section 20-2-161 for each full-time equivalent student  
 270 in each school within the charter system; provided, however, that no individual charter  
 271 system shall receive more than \$4.5 million in a fiscal year. Funds appropriated pursuant  
 272 to this Code section shall be used in accordance with recommendations of the school level  
 273 governing body established by the charter or to advance student achievement goals and  
 274 school level governance training objectives pursuant to the charter."

275 **SECTION 11.**

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

278 "20-2-181.

279 The calculation of all program weights shall reflect a base size local school system of 3,300  
 280 full-time equivalent students. The calculation of program weights for the kindergarten  
 281 program, the kindergarten early intervention program, the primary grades (1-3) early  
 282 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)  
 283 early intervention program, and the upper elementary grades (4-5) program shall reflect a  
 284 base school size of 450 full-time equivalent students. The calculation of program weights  
 285 for the middle grades (6-8) program, the middle school (6-8) program, the special  
 286 education programs, the remedial education program, and the English for speakers of other  
 287 languages program shall reflect a base school size of 624 full-time equivalent students. The  
 288 calculation of the program weights for the high school general education program and the  
 289 high school ~~vocational~~ career, technical, and agricultural education laboratory program  
 290 shall reflect a base school size of 970 full-time equivalent students. The calculation of  
 291 program weights for the alternative education program shall reflect a base school size of  
 292 100 full-time equivalent students, except that the calculations for secretaries and media  
 293 personnel shall reflect a base school size of 624 full-time equivalent students."

294 **SECTION 12.**

295 Said title is further amended by revising subsections (c) and (g) and paragraph (2) of  
 296 subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for  
 297 payment of salaries and benefits, as follows:

298 "(c) The program weights for the kindergarten, kindergarten early intervention, primary,  
 299 primary grades early intervention, upper elementary, upper elementary grades early  
 300 intervention, middle grades, middle school, and alternative education programs and the

301 program weights for the high school programs authorized pursuant to paragraph (4) of  
 302 subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect  
 303 sufficient funds to pay the beginning salaries for ~~guidance counselors needed to provide~~  
 304 ~~essential guidance services to students and whose~~ at least one school counselor for every  
 305 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the  
 306 program weights for the English for speakers of other languages program and the programs  
 307 for persons with disabilities shall also earn school counselor funding. Further, beginning  
 308 in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually  
 309 gifted students and the remedial education program shall also earn school counselor  
 310 funding. The duties and responsibilities for such school counselors shall be established by  
 311 the state board to require a minimum of five of the six full-time equivalent program count  
 312 segments of the counselor's time to be spent counseling or advising students or parents."

313 "(g) All program weights, when multiplied by the base amount, shall reflect sufficient  
 314 funds to pay the cost of sick and personal leave for teachers, the employer's portion of costs  
 315 for membership in the Teachers Retirement System of Georgia and health insurance  
 316 programs authorized by law, the cost of essential instructional materials, which shall  
 317 include, but not be limited to, textbooks and technology, and equipment needed to operate  
 318 effectively such instructional programs, and the cost of travel required of personnel in order  
 319 to deliver educational services to enrolled students, subject to appropriation by the General  
 320 Assembly."

321 "(2) The State Board of Education shall adopt for each instructional program authorized  
 322 pursuant to Part 3 of this article except those programs included in paragraph (1) of this  
 323 subsection the maximum number of students which may be taught by a teacher in an  
 324 instructional period. For the remedial education, ~~vocational~~ career, technical, and  
 325 agricultural education laboratory, alternative education, and early intervention programs,  
 326 the State Board of Education shall provide for a system average maximum class size that  
 327 shall not exceed the funding class size by more than 20 percent, unless specifically  
 328 authorized by the State Board of Education; provided, however, that the system average  
 329 maximum class size for special education, gifted, and English for speakers of other  
 330 languages classes shall be set by the State Board of Education. For each instructional  
 331 program covered under this paragraph, the maximum number of students who may be  
 332 taught by a teacher in an instructional period shall not exceed the system average  
 333 maximum class size for the program by more than two students; provided, however, that  
 334 a system average maximum class size which results in a fractional full-time equivalent  
 335 shall be rounded up to the nearest whole number; provided, however, that this provision  
 336 shall not apply to general education programs in mathematics, science, social studies, and  
 337 language arts for grades 9 through 12. Beginning with the 2007-2008 school year, each

338 local board of education shall be allowed to exceed maximum class sizes set by the state  
 339 board pursuant to this paragraph for general education programs in mathematics, science,  
 340 social studies, and language arts for grades 9 through 12 and may establish such  
 341 maximum class sizes that shall not exceed the funding class size by more than 39 percent  
 342 and shall annually report to the state board and to each school council in its school system  
 343 such class sizes established."

344 **SECTION 13.**

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

347 "20-2-184.1.

348 (a) The program weights for the kindergarten, kindergarten early intervention, primary,  
 349 primary grades early intervention, upper elementary, upper elementary grades early  
 350 intervention, middle grades, middle school, and remedial programs and the program  
 351 weights for the high school programs authorized pursuant to paragraph (4) of subsection  
 352 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
 353 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
 354 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
 355 funds shall be used for addressing the academic needs of low-performing students with  
 356 programs including, but not limited to, instructional opportunities for students beyond the  
 357 regular school day, Saturday classes, intersession classes, ~~and~~ summer school classes, and  
 358 additional instructional programs during the regular school day. Following the midterm  
 359 adjustment, the state board shall issue allotment sheets for each local school system. Each  
 360 local school system shall spend 100 percent of the funds designated for additional days of  
 361 instruction for such costs at the system level, which may include . ~~Up to 15 percent of~~  
 362 ~~funds designated for additional days of instruction may be spent~~ for transportation costs  
 363 incurred for transporting students who are attending ~~the~~ additional classes funded by these  
 364 designated funds."

365 **SECTION 14.**

366 Said title is further amended by revising paragraph (4) of subsection (a) and subsection (b)  
 367 of Code Section 20-2-186, relating to allocation of funds for local systems to pay beginning  
 368 salaries of superintendents, secretaries, accountants, nurses, and certain other personnel, as  
 369 follows:

370 "(4) Each local system shall earn funds for the 2000-2001 school year sufficient to pay  
 371 the beginning salary of a principal for each school in the local school system with a  
 372 principal of record for the preceding year. Thereafter, each local school system shall earn

373 funds sufficient to pay the beginning salary of a principal for each school in the local  
 374 school system that reported a principal on the October certified personnel information  
 375 report; provided, however, that any school which operates as a combination school,  
 376 which is defined as any of the elementary grades, kindergarten through grade five,  
 377 contiguous with one or more of the middle grades, grades six through eight; or as a  
 378 combination school of any of the middle grades, grades six through eight, contiguous  
 379 with one or more of the elementary grades or contiguous with one or more of the high  
 380 school grades, grades nine through 12; or as a combination school of any of the high  
 381 school grades, contiguous with one or more of the middle grades, shall earn funds  
 382 sufficient to pay the beginning salary of a principal for each of the elementary, middle,  
 383 or high school combinations. For purposes of this paragraph, 'contiguous' means grade  
 384 levels in sequence, regardless of whether schools operating as a combination school are  
 385 on the same campus sharing facilities or at different locations. Beginning with the  
 386 2001-2002 school year, funds cannot be earned for more than one principal's salary for  
 387 schools on the same campus sharing facilities unless the schools operate as a combination  
 388 school as defined in this paragraph with separate facility codes issued by the Department  
 389 of Education. A local school system shall earn funds in the midterm adjustment  
 390 sufficient to pay the beginning salary of a principal for a new school, if not otherwise  
 391 earning the funds, when the school has reported full-time equivalent program counts in  
 392 the October count, has an approved new school facility code issued by the department,  
 393 and has reported a principal on the October certified personnel information report under  
 394 the new facility code. It is further provided that funds for the salary of a principal shall  
 395 not be earned under this paragraph for an evening school or alternative school; and"

396 "(b) All program weights, when multiplied by the base amount, shall reflect sufficient  
 397 funds to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time  
 398 equivalent students, ~~and~~ for costs of operating an administrative office for ~~the~~ certain local  
 399 school ~~system~~ systems as deemed warranted by the department, and for workers'  
 400 compensation and employment security payments for personnel at the central office,  
 401 school, and program levels, subject to appropriation by the General Assembly. Further, the  
 402 program weights for all special education programs pursuant to Code Section 20-2-152,  
 403 when multiplied by the base amount, shall reflect sufficient funds to pay the beginning  
 404 salaries of special education leadership personnel essential and necessary for the effective  
 405 operation of such programs in a base size local school system. Further, the program  
 406 weights for all programs, when multiplied by the base amount, shall reflect sufficient funds  
 407 to pay the beginning salaries of school psychologists and psychometrists essential and  
 408 necessary for the effective operation of such programs in a local school system using a base  
 409 size of 2,475 full-time equivalent students, subject to appropriation by the General

410 Assembly; provided, however, that beginning with Fiscal Year 2016, such base size shall  
 411 be 2,420 full-time equivalent students."

412 **SECTION 15.**

413 Said title is further amended by revising subsection (d) of Code Section 20-2-211, relating  
 414 to annual contracts, disqualifying acts, and job descriptions, as follows:

415 "(d) Each local school system shall have a job description for each certificated professional  
 416 personnel classification, shall have policies and procedures relative to the recruitment and  
 417 selection of such personnel, and shall adhere to such recruitment and selection policies and  
 418 procedures. Such policies and procedures shall assure nondiscrimination on the basis of  
 419 sex, race, religion, or national origin. Such policies and procedures shall also include the  
 420 announcement in writing of the availability of all certificated positions ~~to the appropriate~~  
 421 ~~colleges and universities in the state and to the Department of Education and within the~~  
 422 local school system and the submission of such available positions to a state-wide online  
 423 job data base maintained by the state. ~~A local board of education may also announce such~~  
 424 ~~positions to colleges and universities in other states."~~

425 **SECTION 16.**

426 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section  
 427 20-2-211.1, relating to clearance certificates issued by the Professional Standards  
 428 Commission relating to fingerprint and criminal background checks, as follows:

429 "(3) 'Local unit of administration' shall have the same meaning as in Code Section  
 430 20-2-242 and shall also include state chartered special schools and ~~commission state~~  
 431 charter schools."

432 **SECTION 17.**

433 Said title is further amended by revising Code Section 20-2-214.1, relating to the High  
 434 Performance Principals program, as follows:

435 "20-2-214.1.

436 (a) The General Assembly finds that the driving force behind attracting quality teachers  
 437 to a school and creating a culture of learning and respect in the school environment is the  
 438 school leadership, and particularly, the school principal. The General Assembly further  
 439 finds that teachers consider school leadership as one of the most important factors in  
 440 creating good working conditions in a school environment. The General Assembly further  
 441 finds that a school with strong leadership and teachers will be the most effective in  
 442 improving and maintaining the academic success of its students.

443 (b) ~~For purposes of this Code section, the term 'Needs Improvement School' means a~~  
444 ~~school that has not made adequate yearly progress for two or more consecutive years in the~~  
445 ~~same subject, in accordance with the accountability system established pursuant to Article~~  
446 ~~2 of Chapter 14 of this title. Reserved.~~

447 (c) The State Board of Education is authorized to establish a grant program to attract  
448 proven leaders in school settings to accept positions as principals in secondary schools in  
449 this state that have ~~been identified as a Needs Improvement School~~ received unacceptable  
450 ratings by the State Board of Education, as defined in state board rules relating to the  
451 accountability system. For purposes of this Code section, these individuals shall be known  
452 as High Performance Principals. The grant program shall include funding, subject to  
453 appropriations by the General Assembly, for grants from the state board to local boards of  
454 education for salary supplements for High Performance Principals.

455 (d) The state board is authorized to develop rules and regulations to implement the grant  
456 program, including requiring reports, data, or other measures of accountability. The grant  
457 program shall provide that the sole criteria for designating and selecting individuals as  
458 High Performance Principals shall be data based evidence of the effectiveness of a  
459 proposed High Performance Principal in improving a low performing school or in taking  
460 an average or excellent performing school to higher achievement within the last five years.  
461 Notwithstanding this, the state board shall have the discretion, only in extenuating  
462 circumstances, to consider other criteria. The state board shall be authorized to establish  
463 and maintain a nonexclusive pool of preapproved eligible candidates for High Performance  
464 Principals for consideration by local school systems.

465 (e) An individual selected as a High Performance Principal shall be eligible for a one-year  
466 salary supplement, in an amount as determined by the state board and subject to  
467 appropriations by the General Assembly. An individual grant shall not exceed \$15,000.00  
468 per year and such amount shall be awarded pursuant to state board rule based on the  
469 relative recruitment need of that ~~Needs Improvement School~~ school. The local school  
470 system may apply for up to two additional school years for renewal of the High  
471 Performance Principal designation for an individual, subject to appropriation. An  
472 individual selected as a High Performance Principal shall be required to enter into a  
473 contract with the local board, in accordance with Code Section 20-2-211, which shall  
474 include terms and conditions relating to the designation of High Performance Principal, as  
475 required by the state board. An individual shall be required to reimburse the local board  
476 for any moneys paid to him or her relating to the High Performance Principal designation  
477 if he or she does not comply with the terms of the contract relating to the High Performance  
478 Principal designation.

- 479 (f) The local board shall be required to submit reports, as required by the state board,  
 480 which quantify the effectiveness of an individual designated as a High Performance  
 481 Principal and his or her impact on the improvement of the school in the school year in  
 482 which he or she was designated a High Performance Principal. The state board shall use  
 483 the data in the reports as the primary factor in evaluating applications for renewal of a High  
 484 Performance Principal designation, as provided for in subsection (e) of this Code section.  
 485 (g) Salary supplements received by a High Performance Principal pursuant to this Code  
 486 section shall not be considered regular or earnable compensation for any purpose.  
 487 (h) Nothing in this Code section shall prohibit local boards of education from providing  
 488 additional salary supplements and bonuses to any principal designated as a High  
 489 Performance Principal."

### 490 SECTION 18.

491 Said title is further amended by revising Code Section 20-2-230, relating to staff  
 492 development programs, as follows:

493 "20-2-230.

494 (a) All public school officials and professional personnel certificated by the Professional  
 495 Standards Commission shall be provided the opportunity to continue their development  
 496 throughout their professional careers. The primary purpose of the staff development  
 497 sponsored or offered by local ~~units of administration~~ boards of education and the  
 498 Department of Education shall be the implementation of this policy. Two additional  
 499 purposes of such staff development programs shall be to adopt into general practice the  
 500 findings of scientifically designed research which has been widely replicated, particularly  
 501 as it relates to teacher and school effectiveness, and to address professional needs and  
 502 deficiencies identified during the process of objective performance evaluations.

503 (b)(1) The State Board of Education shall adopt a training program for members of local  
 504 boards of education by July 1, 2011. The State Board of Education may periodically  
 505 adopt revisions to such training program as it deems necessary.

506 (2) Within three months of adoption by the State Board of Education of a training  
 507 program pursuant to paragraph (1) of this subsection, each local board of education ~~and~~  
 508 ~~each governing board of other local units of administration~~ shall adopt a training program  
 509 for members of such boards that includes, at a minimum, such training program and  
 510 requirements established by the State Board of Education pursuant to paragraph (1) of  
 511 this subsection. Each local board of education shall incorporate any revisions adopted  
 512 by the State Board of Education to the training program pursuant to paragraph (1) of this  
 513 subsection within three months of adoption of such revisions.

514 (3) All local boards of education ~~local units of administration~~ are authorized to pay such  
 515 board members for attendance at a required training program the same per diem as  
 516 authorized by local or general law for attendance at regular meetings, as well as  
 517 reimbursement of actual expenses for travel, lodging, meals, and registration fees for such  
 518 training, either before or after such board members assume office."

519 **SECTION 19.**

520 Said title is further amended by revising paragraph (2) of Code Section 20-2-259, relating  
 521 to extended day program for students in grades nine through 12, as follows:

522 "(2) Multiply the amount calculated in paragraph (1) of this Code section by the sum of  
 523 the full-time equivalent program count for the high school general education program  
 524 (9-12) and the ~~vocational~~ career, technical, and agricultural education laboratory  
 525 program (9-12)."

526 **SECTION 20.**

527 Said title is further amended by adding a new Code section to read as follows:

528 "20-2-263.

529 (a) The State Board of Education is authorized to establish a grant program to incentivize  
 530 the adoption of digital learning using high speed internet connections across Georgia  
 531 schools. The grant program shall include funding, subject to appropriations by the General  
 532 Assembly, for grants to local boards of education for the purchase of technology capital,  
 533 including, but not limited to, desktop computers, network equipment, wireless equipment,  
 534 tablet computers, laptop computers, and any other technology devices or equipment that  
 535 advances student learning.

536 (b) The state board is authorized to develop rules and regulations to implement the grant  
 537 program, including requiring local school systems to commit to expanding and paying for  
 538 high speed bandwidth for five years and a plan of use of the bandwidth in each school for  
 539 instructional purposes, requiring each local school system to demonstrate that it has a  
 540 technology plan that incorporates the use of new technology into student learning and  
 541 includes a component for professional development for staff, and requiring local matching  
 542 funds from local school systems to demonstrate long-term sustainability. The grant  
 543 program criteria may take into account the financial need and lack of existing bandwidth  
 544 of a local school system and any previous grants received by the local board of education  
 545 pursuant to this Code section and may provide for waiver of the matching funds  
 546 requirement for local school systems that demonstrate financial need."



547

**SECTION 21.**

548

Said title is further amended by revising paragraph (1) of subsection (b), paragraph (5) of subsection (d), and subsection (e) of Code Section 20-2-319.3, relating to the online clearinghouse of interactive distance learning courses, as follows:

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"(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code Section 20-2-2062, and a ~~commission~~ state charter school, as defined in paragraph (2) of Code Section 20-2-2081."

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"(5) A student who is enrolled in a school operated by a local school system or in a charter school and who takes a course included in the clearinghouse shall be counted in the funding formula of the student's school system or the student's charter school for such course as if the student were taking the course from the student's school system or the student's charter school."

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"(e)(1) The department shall set appropriate fees for one-credit and half-credit courses offered by a local school system or a charter school to another local school system or charter school pursuant to this Code section.

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(2) The department shall proportionally reduce the fee for any student who withdraws from a course prior to the end of the course pursuant to paragraph (4) of subsection (d) of this Code section.

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(3) For each student enrolled in a course included in the clearinghouse, and not later than the last day of that course, the department shall deduct the amount of the fee for that course from the student's school system or charter school allotment and shall pay that amount to the local school system or charter school delivering the course.

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(4) From the funds received pursuant to paragraph (3) of this subsection, the local school system or charter school delivering the course shall pay the teacher conducting the course such additional amount of compensation ~~as set by the department~~ based on the number of students taking the course and the course fee."

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**SECTION 22.**

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Said title is further amended by revising paragraphs (3) and (4) of Code Section 20-2-326, relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's Economy Act," as follows:

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"(3) 'Chronically low-performing high school' means a public high school in this state that has a graduation rate of less than 60 percent for three consecutive years, as determined in accordance with methodology established by the National Governors Association's Compact on High School Graduation Data, or that has ~~not made adequate yearly progress~~

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582 received an unacceptable rating for three consecutive years, as defined by the Office of  
583 Student Achievement.

584 (4) 'College and career academy' means a specialized charter school established by a  
585 partnership which demonstrates a collaboration between business, industry, and community  
586 stakeholders to advance workforce development between one or more local boards of  
587 education, a private individual, a private organization, or a state or local public entity in  
588 cooperation with one or more postsecondary institutions and approved by the State Board  
589 of Education in accordance with Article 31 of this chapter or the ~~Georgia~~ State Charter  
590 Schools Commission in accordance with Article 31A of this chapter."

591 **SECTION 23.**

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

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

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

601 (2) The declaration shall include a list of the names and ages of the students who are  
602 enrolled in the home study program, the address where the home study program is  
603 located, and a statement of the 12 month period that is to be considered the school year  
604 for that home study program. Enrollment records and reports shall not be used for any  
605 purpose except providing necessary enrollment information, except with the permission  
606 of the parent or guardian of a child, or pursuant to the subpoena of a court of competent  
607 jurisdiction, ~~or for verification of attendance by the Department of Public Safety for the~~  
608 ~~purposes set forth in subsection (a.1) of Code Section 40-5-22;~~

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

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

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

621 (6) ~~Attendance records for the home study program shall be kept and shall be submitted~~  
 622 ~~annually to the Department of Education and additionally, in accordance with department~~  
 623 ~~regulations~~ The parent or guardian shall have the authority to execute any document  
 624 required by law, rule, regulation, or policy to evidence the enrollment of a child in a  
 625 home study program, the student's full-time or part-time status, the student's grades, or  
 626 any other required educational information. This shall include, but not be limited to,  
 627 documents for purposes of verification of attendance by the Department of Public Safety  
 628 Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22,  
 629 documents required pursuant to Chapter 2 of Title 39 relating to employment of minors,  
 630 and any documents required to apply for the receipt of state or federal public assistance;  
 631 ~~The department may provide for electronic submittal of such records. Attendance records~~  
 632 ~~and reports shall not be used for any purpose except providing necessary attendance~~  
 633 ~~information, except with the permission of the parent or guardian of a child, pursuant to~~  
 634 ~~the subpoena of a court of competent jurisdiction, or for verification of attendance by the~~  
 635 ~~Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section~~  
 636 ~~40-5-22;~~

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

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

648 **SECTION 24.**

649 Said title is further amended by revising paragraph (2) of Code Section 20-2-2062, relating  
 650 to definitions relative to charter schools, as follows:

651 "(2) 'Charter petitioner' means a local school, local board of education, private individual,  
 652 private organization, or state or local public entity that submits or initiates a petition for a

653 charter. The term 'charter petitioner' does not include home study programs or schools,  
 654 sectarian schools, religious schools, private for profit schools, private educational  
 655 institutions not established, operated, or governed by the State of Georgia, or existing  
 656 private schools. On and after July 1, 2013, a charter for a local charter school, if approved,  
 657 shall be a three-party agreement between a charter petitioner, a local board of education,  
 658 and the State Board of Education, and the charter petitioner for such local charter  
 659 school shall be a party other than the local board of education."

#### 660 SECTION 25.

661 Reserved.  
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#### 663 SECTION 26.

664 Said title is further amended by revising subsections (a), (b), and (c) of Code Section  
 665 20-2-2064, relating to approval or denial of a charter petition, as follows:

666 "20-2-2064.

667 (a) A charter petitioner seeking to create a conversion charter school must submit a  
 668 petition to the local board of the local school system in which the proposed charter school  
 669 will be located. The local board must by a majority vote approve or deny a petition no later  
 670 than ~~60~~ 90 days after its submission unless the petitioner requests an extension; provided,  
 671 however, that a denial of a petition by a local board shall not preclude the submission to  
 672 the local board of a revised petition that addresses deficiencies cited in the denial; and  
 673 provided, further, that the local board shall not act upon a petition for a conversion charter  
 674 school, including, but not limited to, a conversion charter for a high school cluster, until  
 675 such petition:

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

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

684 (2) If for a high school cluster, has been approved by a majority of the school councils  
 685 in the high school cluster and has been freely agreed to, by secret ballot, by at least 60  
 686 percent of the combined vote of the faculty and instructional staff members of the high  
 687 school cluster and the parents or guardians of students who reside in the attendance zone

688 of such high school cluster present at a public meeting called with two weeks' advance  
 689 notice for the purpose of deciding whether to submit the petition to the local board for its  
 690 approval. Each school council within the high school cluster shall appoint two  
 691 representatives to a committee that shall conduct the vote.

692 This subsection shall not apply to a system charter school petitioning to be a conversion  
 693 charter school.

694 (b) A charter petitioner seeking to create a start-up charter school must submit a petition  
 695 to the local board of the local school system in which the proposed charter school will be  
 696 located. The local board must by a majority vote approve or deny a petition no later than  
 697 ~~60~~ 90 days after its submission unless the petitioner requests an extension. A denial of a  
 698 petition by a local board shall not preclude the submission to the local board of a revised  
 699 petition that addresses deficiencies cited in the denial.

700 (c) A system charter school's school council or governing council, as applicable, may  
 701 petition to become a conversion charter school. The petition shall be submitted to the local  
 702 board of the charter system in which the school is located. The local board must by a  
 703 majority vote approve or deny a petition no later than ~~60~~ 90 days after its submission  
 704 unless the petitioner requests an extension; provided, however, that a denial of a petition  
 705 by a local board shall not preclude the submission to the local board of a revised petition  
 706 that addresses deficiencies cited in the denial."

707 **SECTION 27.**

708 Said title is further amended by revising paragraph (5) and paragraph (7) of subsection (b)  
 709 of Code Section 20-2-2065, relating to waiver of provisions of Title 20, as follows:

710 "(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes  
 711 relating to civil rights; insurance; the protection of the physical health and safety of  
 712 school students, employees, and visitors; conflicting interest transactions; and the  
 713 prevention of unlawful conduct; provided, however, that if:

714 (A) A facility used for a charter school is owned or operated by any state agency or  
 715 entity, and such facility or equipment purchased or used by the facility meets the safety  
 716 standards of the state agency or entity that owns or operates such facility; or

717 (B) A facility used for a charter school is owned by a local educational agency and  
 718 operated utilizing standards of a state agency or entity, and such facility or equipment  
 719 purchased or used by the facility meets the safety standards of the state agency or entity  
 720 with respect to structural soundness and sufficient maintenance,

721 the facility or equipment or both shall be deemed to meet the safety requirements of this  
 722 paragraph; provided, further, that in no event shall the state agency or entity or local  
 723 educational agency owner or operator of a charter school with such facility or equipment

724 be disqualified from eligibility for state grants or for federal grants awarded pursuant to  
 725 state regulations due to such facility or equipment;"  
 726 "(7) Subject to an annual financial audit conducted by the state auditor or, if specified in  
 727 the charter, by an independent certified public accountant licensed in this state; provided,  
 728 however, that a separate audit shall not be required for a charter school if the charter  
 729 school is included in the local school system audit conducted by the state auditor pursuant  
 730 to Code Section 50-6-6;"

731 **SECTION 28.**

732 Said title is further amended by revising subsection (a) of Code Section 20-2-2066, relating  
 733 to admission, enrollment, and withdrawal of students, as follows:

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

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

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

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

745 (iii) A student whose parent or guardian is a member of the governing board of the  
 746 charter school or is a full-time teacher, professional, or other employee at the charter  
 747 school; ~~and~~

748 (iv) Students matriculating from a local school designated in the charter; and

749 (v) Children who matriculate from a pre-kindergarten program which is associated  
 750 with the school, including, but not limited to, programs which share common facilities  
 751 or campuses with the school or programs which have established a partnership or  
 752 cooperative efforts with the school; provided, however, that the state board is  
 753 authorized to limit the number of such pre-kindergarten programs or the percentage  
 754 of children matriculating from such programs in its discretion;

755 (B) A conversion charter school shall enroll any student who resides in the attendance  
 756 zone specified in the charter and who submits a timely application as specified in the  
 757 charter. If the number of applying students who reside in the attendance zone does not  
 758 exceed the capacity as specified in the charter, additional students shall be enrolled  
 759 based on a random selection process; provided, however, that enrollment preferences

760 may be given to applicants in any one or more of the following categories in the order  
761 of priority specified in the charter:

762 (i) A sibling of a student enrolled in the charter school or in any school in the high  
763 school cluster;

764 (ii) Students whose parent or guardian is a member of the governing board of the  
765 charter school or is a full-time teacher, professional, or other employee at the charter  
766 school;

767 (iii) Students who were enrolled in the local school prior to its becoming a charter  
768 school; ~~and~~

769 (iv) Students who reside in the charter attendance zone specified in the charter; and

770 (v) Children who matriculate from a pre-kindergarten program which is associated  
771 with the school, including, but not limited to, programs which share common facilities  
772 or campuses with the school or programs which have established a partnership or  
773 cooperative efforts with the school; provided, however, that the state board is  
774 authorized to limit the number of such pre-kindergarten programs or the percentage  
775 of children matriculating from such programs in its discretion; and

776 (2) A student who resides outside the school system in which the local charter school is  
777 located may not enroll in that local charter school except pursuant to a contractual  
778 agreement between the local boards of the school system in which the student resides and  
779 the school system in which the local charter school is located. Unless otherwise provided  
780 in such contractual agreement, a local charter school may give enrollment preference to  
781 a sibling of a nonresident student currently enrolled in the local charter school."

782 **SECTION 29.**

783 Said title is further amended by revising subsection (c) of Code Section 20-2-2067.1, relating  
784 to the amendment of terms of charters for charter schools, as follows:

785 "(c) Each start-up and conversion charter school and each charter system shall submit an  
786 annual report outlining the previous year's progress to the authorizing local board or state  
787 board, as appropriate; to parents and guardians of students enrolled in the school, or, for  
788 a charter system, to parents and guardians of students enrolled in school within the local  
789 school system; and to the Department of Education no later than October 1 of each year.  
790 The report submitted by a charter system shall include, but not limited to, data on all of its  
791 system charter schools. The report shall contain, but is not limited to:

792 (1) An indication of progress toward the goals as included in the charter;

793 (2) Academic data for the previous year, including state academic accountability data,  
794 such as standardized test scores ~~and adequate yearly progress data;~~

- 795 (3) Unaudited financial statements for the fiscal year ending on June 30, provided that  
 796 audited statements will be forwarded to the local board and state board upon completion;  
 797 (4) Updated contact information for the school and the administrator, and for charter  
 798 systems, each system charter school and its respective administrator;  
 799 (5) Proof of current nonprofit status, if applicable;  
 800 (6) Any other supplemental information that the charter school or charter system chooses  
 801 to include or that the state board requests that demonstrates that school or system's  
 802 success; and  
 803 (7) For charter systems;:
- 804 (A) A description of:
- 805 (i) The actual authority exercised by governing councils with regard to each of the  
 806 components of school level governance listed in paragraph (12.1) of Code Section  
 807 20-2-2062;
- 808 (ii) Training received by governing councils and school administrators; and
- 809 (iii) Steps, if any, the charter system plans to take to increase school level governance  
 810 in the future;
- 811 (B) An itemization of initiatives being supported with the additional funding received  
 812 by the charter system pursuant to Code Section 20-2-165.1 and how those funds have  
 813 promoted school level governance or improved student achievement;
- 814 (C) A comparison of actual performance versus the performance based goals for the  
 815 charter system set forth in the charter pursuant to Code Section 20-2-2065;
- 816 (D) The name and contact information of an employee of the charter system that can  
 817 facilitate communications between the Office of Charter School Compliance and the  
 818 chairpersons of the governing councils in the charter system; and
- 819 (E) An an on-site external evaluation of the charter system at least once every five  
 820 years, as determined by the state board."

821 **SECTION 30.**

822 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section  
 823 20-2-2068, relating to termination of charters, as follows:

- 824 "(2) If, after providing reasonable notice to the charter school or charter system, as  
 825 applicable, and an opportunity for a hearing, the state board finds through its own audit  
 826 or through other means:
- 827 (A) A failure to comply with any recommendation or direction of the state board with  
 828 respect to Code Section 20-14-41;
- 829 (B) A failure to adhere to any material term of the charter, including but not limited to  
 830 the performance goals set forth in the charter;



- 831 (C) For a charter system, a failure to promote school level governance as required by  
 832 the charter;  
 833 ~~(C)~~(D) A failure to meet generally accepted standards of fiscal management;  
 834 ~~(D)~~(E) A violation of applicable federal, state, or local laws or court orders;  
 835 ~~(E)~~(F) The existence of competent substantial evidence that the continued operation  
 836 of the charter school or charter system would be contrary to the best interests of the  
 837 students or the community; or  
 838 ~~(F)~~(G) A failure to comply with any provision of Code Section 20-2-2065; or"

839 **SECTION 31.**

840 Said title is further amended by revising Code Section 20-2-2068.2, relating to a facilities  
 841 fund for charter schools, as follows:

842 "20-2-2068.2.

843 (a) From moneys specifically appropriated for such purpose, the state board shall create  
 844 a facilities fund for local charter schools, state chartered special schools, and ~~commission~~  
 845 state charter schools as defined in Code Section 20-2-2081 for the purpose of establishing  
 846 a per pupil, need based facilities aid program.

847 (b) A charter school or ~~commission~~ state charter school may receive moneys from the  
 848 facilities fund if the charter school or ~~commission~~ state charter school has received final  
 849 approval from the Georgia State Charter Schools Commission or from the state board for  
 850 operation during that fiscal year.

851 (c) A charter school's or ~~commission~~ state charter school's governing body may use  
 852 moneys from the facilities fund for the following purposes:

853 (1) Purchase of real property;

854 (2) Construction of school facilities, including initial and additional equipment and  
 855 furnishings;

856 (3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;

857 (4) Purchase of vehicles to transport students to and from the charter school or  
 858 ~~commission~~ state charter school; and

859 (5) Renovation, repair, and maintenance of school facilities that the school owns or is  
 860 purchasing through a lease-purchase or long-term lease of ~~five~~ three years or longer.

861 (d) The Department of Education shall specify procedures for submitting and approving  
 862 requests for funding under this Code section and for documenting expenditures.

863 (e) Local boards are required to renovate, repair, and maintain the school facilities of  
 864 charter schools in the district to the same extent as other public schools in the district if the  
 865 local board owns the charter school facility, unless otherwise agreed upon by the petitioner  
 866 and the local board in the charter.

867 (f)(1) Prior to releasing moneys from the facilities fund, the Department of Education  
868 shall ensure that the governing board of the local charter school and the local board shall  
869 enter into a written agreement that includes a provision for the reversion of any  
870 unencumbered funds and all equipment and property purchased with public education  
871 funds to the ownership of the local board in the event the local charter school terminates  
872 operations.

873 (2) Prior to releasing moneys from the facilities fund, the Department of Education shall  
874 ensure that the governing board of the state chartered special school and the state board  
875 shall enter into a written agreement that includes a provision for the reversion of any  
876 unencumbered funds and all equipment and property purchased with public education  
877 funds to the ownership of the state board in the event the state chartered special school  
878 terminates operations.

879 (3) Prior to releasing moneys from the facilities fund, the Department of Education shall  
880 ensure that the governing board of the ~~commission~~ state charter school and the ~~Georgia~~  
881 State Charter Schools Commission shall enter into a written agreement that includes a  
882 provision for the reversion of any unencumbered funds and all equipment and property  
883 purchased with public education funds to the ownership of the ~~Georgia~~ State Charter  
884 Schools Commission in the event the ~~commission~~ state charter school terminates  
885 operations.

886 (g) The reversion of property in accordance with subsection (f) of this Code section is  
887 subject to the complete satisfaction of all lawful liens or encumbrances.

888 (h) Each local board of education shall make its unused facilities available to local charter  
889 schools. The terms of the use of such a facility by the charter school shall be subject to  
890 negotiation between the board and the local charter school and shall be memorialized as  
891 a separate agreement. A local charter school that is allowed to use such a facility under  
892 such an agreement shall not sell or dispose of any interest in such property without the  
893 written permission of the local board. A local charter school may not be charged a rental  
894 or leasing fee for the existing facility or for property normally used by the public school  
895 which became the local charter school. A local charter school that receives property from  
896 a local board may not sell or dispose of such property without the written permission of the  
897 local board."

**SECTION 32.**

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

"20-14-26.1.

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

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

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

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

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

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

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

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

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

(c) Any nonprofit corporation created pursuant to this Code section shall make public and provide an annual report showing the identity of all donors and the amount each person or entity donated as well as all expenditures or other disposal of money or property donated. Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the

935 House of Representatives, and the chairpersons of the House Committee on Education and  
936 the Senate Education and Youth Committee. Any such nonprofit corporation shall also  
937 provide such persons with a copy of all corporate filings with the federal Internal Revenue  
938 Service."

939 **SECTION 33.**

940 The following Code sections of the Official Code of Georgia Annotated are amended by  
941 replacing "guidance counselor" and "guidance counselors" wherever either such term occurs  
942 with "school counselor" and "school counselors", respectively:

- 943 (1) Code Section 20-2-171, relating to minimum direct classroom expenditures;  
944 (2) Code Section 20-2-1000, relating to limitation on civil damages for disciplining  
945 students; and  
946 (3) Code Section 20-2-1001, relating to limited immunity from criminal liability.

947 **SECTION 34.**

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