

## House Bill 518

By: Representatives Mitchell of the 106<sup>th</sup>, Evans of the 57<sup>th</sup>, Wilkerson of the 38<sup>th</sup>, Scott of the 76<sup>th</sup>, Lewis-Ward of the 109<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 provide for limitations on waiver and variance  
3 requests by local school systems requesting flexibility; to remove requirement that local  
4 school systems requesting flexibility must select at least one waiver or variance request from  
5 a prescribed list of options; to provide for certain conditions upon local charter schools and  
6 the individual schools of charter school systems; to provide for an effective date; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
11 secondary education, is amended in Code Section 20-2-82, relating to contract terms for local  
12 school systems requesting flexibility, by revising subsection (e) as follows:

13 "(e) The state board shall be authorized to approve a waiver or variance request of  
14 specifically identified state rules, regulations, policies, and procedures or provisions of this  
15 chapter upon the inclusion of such request in the local school system's proposed contract  
16 ~~and in accordance with subsection (b) of Code Section 20-2-84.~~ The goal for each waiver

17 and variance shall be improvement of student performance. The state board shall not be  
18 authorized to waive or approve variances on any federal, state, and local rules, regulations,  
19 court orders, and statutes relating to civil rights; insurance; the protection of the physical  
20 health and safety of school students, employees, and visitors; conflicting interest  
21 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in  
22 or near a public school; health and physical education requirements provided for in Code  
23 Section 20-2-142; expenditure controls provided for in Code Section 20-2-171; class size  
24 requirements provided for in Code Section 20-2-182; categorical allotment requirements  
25 provided for in Article 6 of this chapter; certification requirements provided for in Code  
26 Section 20-2-200; salary schedule requirements of Code Section 20-2-212; duty-free lunch  
27 requirements of Code Section 20-2-218; any reporting requirements pursuant to Code  
28 Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210;  
29 the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code  
30 Section 20-2-327; or the provisions of Part 7 of Article 17 of this chapter relating to  
31 termination, suspension, nonrenewal, demotion, or reprimand of teachers, administrators,  
32 and other school personnel who are employed pursuant to a contract for a definite term.  
33 A local school system that has received a waiver or variance shall remain subject to the  
34 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not  
35 charge tuition or fees to its students except as may be authorized for local boards by Code  
36 Section 20-2-133, and shall remain open to enrollment in the same manner as before the  
37 waiver request."

38 **SECTION 2.**

39 Said chapter is further amended in Code Section 20-2-84, relating to accountability,  
40 flexibility, and consequences components of contract, by repealing and reserving  
41 subsection (b).

**SECTION 3.**

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Said chapter is further amended in Code Section 20-2-2065, relating to waiver of provisions of this title, requirements for operating, and control and management of charter schools, by revising subsection (b) as follows:

"(b) In determining whether to approve a charter petition or renew an existing charter, the local board and state board shall ensure that a charter school, or for charter systems, each school within the system, shall be:

(1) A public, nonsectarian, nonreligious, nonprofit school that is not home based, provided that a charter school's nonprofit status shall not prevent the school from contracting for the services of a for profit entity and that nothing in this Code section shall preclude the use of computer and ~~Internet~~ internet based instruction for students in a virtual or remote setting;

(2) Subject to the control and management of the local board of the local school system in which the charter school is located, as provided in the charter and in a manner consistent with the Constitution, if a local charter school;

(3) Subject to the supervision of the state board, as provided in the charter and in a manner consistent with the Constitution, if a state chartered special school;

(4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to any charter petitioner that is a local school, local school system, or state or local public entity;

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

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

- 69 (B) A facility used for a charter school is owned by a local educational agency and  
70 operated utilizing standards of a state agency or entity, and such facility or equipment  
71 purchased or used by the facility meets the safety standards of the state agency or entity  
72 with respect to structural soundness and sufficient maintenance,  
73 the facility or equipment or both shall be deemed to meet the safety requirements of this  
74 paragraph; provided, further, that in no event shall the state agency or entity or local  
75 educational agency owner or operator of a charter school with such facility or equipment  
76 be disqualified from eligibility for state grants or for federal grants awarded pursuant to  
77 state regulations due to such facility or equipment;
- 78 (6) Subject to all laws relating to unlawful conduct in or near a public school;
- 79 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in  
80 the charter, by an independent certified public accountant licensed in this state; provided,  
81 however, that a separate audit shall not be required for a charter school if the charter  
82 school is included in the local school system audit conducted by the state auditor pursuant  
83 to Code Section 50-6-6;
- 84 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such  
85 provisions shall apply with respect to charter schools whose charters are granted or  
86 renewed on or after July 1, 2000;
- 87 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of  
88 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
- 89 (10) Subject to the requirement that it shall not charge tuition or fees to its students  
90 except as may be authorized for local boards by Code Section 20-2-133;
- 91 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of  
92 quiet reflection;
- 93 (12) Subject to the provisions of Code Section 20-2-210 relating to annual performance  
94 evaluations;

95 (13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and  
96 criminal background checks; ~~and~~

97 (14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating to  
98 individual graduation plans;

99 (15) Subject to the provisions of Code Section 20-2-142 relating to health and physical  
100 education requirements;

101 (16) Subject to expenditure controls provided for in Code Section 20-2-171 and  
102 categorical allotment requirements provided for in Article 6 of this chapter;

103 (17) Subject to the provisions of Code Section 20-2-182 relating to class size  
104 requirements;

105 (18) Subject to the provisions of Code Section 20-2-200 relating to certification  
106 requirements;

107 (19) Subject to the provisions of Code Section 20-2-212 relating to salary schedule  
108 requirements;

109 (20) Subject to the provisions of Code Section 20-2-218 relating to duty-free lunch  
110 requirements; and

111 (21) Subject to the provisions of Part 7 of Article 17 of this chapter relating to  
112 termination, suspension, nonrenewal, demotion, or reprimand of teachers, administrators,  
113 and other school personnel who are employed pursuant to a contract for a definite term."

114 **SECTION 4.**

115 This Act shall become effective on July 1, 2021.

116 **SECTION 5.**

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