

Senate Bill 268

By: Senators Islam of the 7th, Merritt of the 9th and Rahman of the 5th

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 the 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 repealing and reserving subsection (b) and revising
13 subsection (e) as follows:

14 "(e) The state board shall be authorized to approve a waiver or variance request of
15 specifically identified state rules, regulations, policies, and procedures or provisions of this
16 chapter upon the inclusion of such request in the local school system's proposed contract

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17 ~~and in accordance with subsection (b) of Code Section 20-2-84.~~ The goal for each waiver
18 and variance shall be improvement of student performance. The state board shall not be
19 authorized to waive or approve variances on any federal, state, and local rules, regulations,
20 court orders, and statutes relating to civil rights; insurance; the protection of the physical
21 health and safety of school students, employees, and visitors; conflicting interest
22 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in
23 or near a public school; health and physical education requirements provided for in Code
24 Section 20-2-142; expenditure controls provided for in Code Section 20-2-171; class size
25 requirements provided for in Code Section 20-2-182; categorical allotment requirements
26 provided for in Article 6 of this chapter; certification requirements provided for in Code
27 Section 20-2-200; salary schedule requirements provided for in Code Section 20-2-212;
28 duty-free lunch requirements of Code Section 20-2-218; the early intervention program
29 provided for in Code Section 20-2-153; any reporting requirements pursuant to Code
30 Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210;
31 the requirements of Code Section 20-2-211.1; ~~or the requirements in subsection (c) of Code~~
32 ~~Section 20-2-327; or the provisions of Part 7 of Article 17 of this chapter relating to~~
33 ~~termination, suspension, nonrenewal, demotion, or reprimand of teachers, administrators,~~
34 ~~and other school personnel who are employed pursuant to a contract for a definite term.~~
35 A local school system that has received a waiver or variance shall remain subject to the
36 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not
37 charge tuition or fees to its students except as may be authorized for local boards by Code
38 Section 20-2-133, and shall remain open to enrollment in the same manner as before the
39 waiver request."

40 **SECTION 2.**

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

44 **SECTION 3.**

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

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

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

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

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

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

64 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
65 relating to civil rights; insurance; the protection of the physical health and safety of

66 school students, employees, and visitors; conflicting interest transactions; and the
67 prevention of unlawful conduct; provided, however, that, if:

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

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

75 the facility or equipment or both shall be deemed to meet the safety requirements of this
76 paragraph; provided, further, that in no event shall the state agency or entity or local
77 educational agency owner or operator of a charter school with such facility or equipment
78 be disqualified from eligibility for state grants or for federal grants awarded pursuant to
79 state regulations due to such facility or equipment;

80 (6) Subject to all laws relating to unlawful conduct in or near a public school;

81 (7) Subject to an annual financial audit conducted by the state auditor or, if specified in
82 the charter, by an independent certified public accountant licensed in this state; provided,
83 however, that a separate audit shall not be required for a charter school if the charter
84 school is included in the local school system audit conducted by the state auditor pursuant
85 to Code Section 50-6-6;

86 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
87 provisions shall apply with respect to charter schools whose charters are granted or
88 renewed on or after July 1, 2000;

89 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
90 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

91 (10) Subject to the requirement that it shall not charge tuition or fees to its students
92 except as may be authorized for local boards by Code Section 20-2-133;

- 93 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
94 quiet reflection;
- 95 (12) Subject to the provisions of Code Section 20-2-210 relating to annual performance
96 evaluations;
- 97 (13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and
98 criminal background checks;
- 99 (14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating to
100 individual graduation plans; ~~and~~
- 101 (15) Subject to the provisions of Code Section 20-2-153 relating to the early intervention
102 program;
- 103 (16) Subject to the provisions of Code Section 20-2-142 relating to health and physical
104 education requirements;
- 105 (17) Subject to expenditure controls provided for in Code Section 20-2-171 and
106 categorical allotment requirements provided for in Article 6 of this chapter;
- 107 (18) Subject to the provisions of Code Section 20-2-182 relating to class size
108 requirements;
- 109 (19) Subject to the provisions of Code Section 20-2-200 relating to certification
110 requirements;
- 111 (20) Subject to the provisions of Code Section 20-2-212 relating to salary schedule
112 requirements;
- 113 (21) Subject to the provisions of Code Section 20-2-218 relating to duty-free lunch
114 requirements; and
- 115 (22) Subject to the provisions of Part 7 of Article 17 of this chapter relating to
116 termination, suspension, nonrenewal, demotion, or reprimand of teachers, administrators,
117 and other school personnel who are employed pursuant to a contract for a definite term."

118 **SECTION 4.**

119 This Act shall become effective on July 1, 2023.

120 **SECTION 5.**

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