

House Bill 87

By: Representatives Erwin of the 32nd, Jones of the 47th, Dubnik of the 29th, Jasperse of the 11th, Wade of the 9th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to revise and repeal certain provisions for
3 alternative charter schools; to provide for the continued operation of state chartered special
4 schools until no later than the expiration of each such school's current charter with the State
5 Board of Education; to provide for funding of state chartered special schools; to require state
6 chartered special schools to elect whether to be established as nontraditional special schools
7 or to cease operating as a state chartered special school upon the expiration of such school's
8 current charter with the State Board of Education; to prohibit the expansion of attendance
9 zones for state chartered special schools; to provide for the establishment of nontraditional
10 special schools; to provide for students enrolled in their resident school systems to attend
11 programs at a nontraditional special school on a part-time basis as program students, subject
12 to certain conditions; to provide for waivers; to provide for the State Board of Education to
13 establish policies, rules, regulations, and other requirements for the establishment, funding,
14 and operation of nontraditional special schools and for the dissolution and probationary
15 dissolution of such schools; to provide for due process procedures; to provide for grants for
16 the development of nontraditional special schools; to provide for the governing boards of
17 nontraditional special schools; to allow for meetings of such governing boards by
18 teleconference; to provide for the appointment, qualifications, and employment of

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19 superintendents for nontraditional special schools; to provide for funding of nontraditional
20 special schools; to provide for the Department of Education to withhold a certain percentage
21 of funds for administrative purposes; to authorize resident school systems to use local funds
22 to compensate nontraditional special schools for providing education programs and services
23 to program students enrolled in such resident school system; to provide for attendance zones
24 for nontraditional special schools; to revise and provide for definitions; to provide for
25 comprehensive evaluations of nontraditional special schools by the Department of Education;
26 to provide for a short title; to provide for related matters; to provide for an effective date; to
27 repeal conflicting laws; and for other purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 **SECTION 1.**

30 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
31 secondary education, is amended by revising subsection (l) of Code Section 20-2-154.1,
32 relating to alternative education programs, alternative charter schools, intent, description,
33 requirements, designation, funding, and effectiveness, as follows:

34 "(l)(1) As used in this subsection, the term:

35 (A) 'Alternative charter school' means a local charter school authorized by one or more
36 local school systems, as provided for in Article 31 of this chapter, which provides an
37 alternative education program, as provided for in this Code section, and which provides
38 programs and services focused on dropout recovery or high school credit recovery.

39 (B) 'Charter petitioner' means one or more private individuals, private organizations,
40 state or local public entities, or adult learning providers, or any group of these working
41 in cooperation, that submits or initiates a petition to establish an alternative charter
42 school as a local charter school pursuant to Article 31 of this chapter.

43 (C) 'System-collaborative state charter school' means a charter school previously
44 authorized by the State Charter Schools Commission that, until or before June 30, 2021,
45 provided ~~provides~~ programs and services for dropout recovery or high school credit
46 recovery and ~~is was~~ governed by a board of directors which may ~~include~~ have included
47 personnel of the local board or boards of education from the geographic region which
48 the charter school ~~serves~~ served.

49 (2)(A) The State Board of Education and the Department of Education, in consultation
50 with authorizing local school system or systems, shall establish a process to designate
51 alternative charter schools. Any designation process established pursuant to this
52 subparagraph shall, in addition to meeting the requirements provided for in Code
53 Section 20-2-2063, ~~shall~~ require the charter petitioner to demonstrate how the proposed
54 alternative charter school will increase graduation opportunities for traditional high
55 school students, decrease dropout rates in local school systems, and provide high school
56 credit recovery opportunities.

57 (B)(i) ~~Not later than July 1, 2021, each~~ Each system-collaborative charter school that
58 ~~has not transitioned~~ did not transition to become an alternative charter school by
59 July 1, 2021, shall operate as a state chartered special school, as defined in Code
60 Section 20-2-2062, authorized directly by the State Board of Education, subject to the
61 provisions of divisions (ii) through (v) of this subparagraph.

62 (ii) ~~The State Board of Education, in consultation with the State Charter Schools~~
63 ~~Commission and system-collaborative state charter schools, shall provide for the~~
64 ~~transfer and designation of existing system-collaborative state charter schools to state~~
65 ~~chartered special schools by July 1, 2021, except for those schools which have~~
66 ~~transitioned to become an alternative charter school pursuant to this subsection.~~

67 (iii) For the duration of its current charter ~~contract~~ with the State Board of Education,
68 each school that ~~transitions~~ transitioned from operating as a system-collaborative state
69 charter school to operating as a state chartered special school as provided for in

70 division (i) of this subparagraph shall be permitted to continue operating as a state
71 chartered special school until the expiration of its current charter with the State Board
72 of Education; provided, however, that each such school shall operate subject to the
73 provisions of Article 31 of this chapter and other applicable laws. For the duration
74 of its current charter with the State Board of Education, each such school shall be
75 eligible to receive funding directly from the State Board of Education in an amount
76 equal to the amount such school would have received pursuant to Code Section
77 20-2-2089 had such school continued to operate as a system-collaborative state
78 charter school, except as provided for in division (iii)(i) of subparagraph (C) of this
79 paragraph; provided, however, that such funding eligibility shall be calculated pro rata
80 based upon when such school ~~commences~~ commenced operating as a state chartered
81 special school as determined by the State Board of Education. Such funding shall not
82 increase in subsequent fiscal years. ~~A system-collaborative state charter school that~~
83 ~~does not transition to operating as a state chartered special school by July 1, 2021,~~
84 ~~shall not be eligible for funding available to state charter schools pursuant to Code~~
85 ~~Section 20-2-2089 after June 30, 2021.~~

86 (iii) On or before July 1, 2023, each school that transitioned from operating as a
87 system-collaborative state charter school to operating as a state chartered special
88 school as provided for in division (i) of this subparagraph shall elect either to be
89 established as a nontraditional special school as provided for in Article 31C of this
90 chapter or to cease operating as a state chartered special school upon the expiration
91 of its current charter with the State Board of Education. Upon being established as
92 a nontraditional special school as provided for in Article 31C of this chapter, a school
93 that transitioned from operating as a system-collaborative state charter school to
94 operating as a state chartered special school as provided for in division (i) of this
95 subparagraph shall no longer operate as state chartered special school or receive
96 funding as provided for in this subsection.

97 (iv) The State Board of Education shall ~~be authorized to~~ not approve ~~an~~ any
98 expansion of the current attendance zone for each state chartered special school
99 provided for in this subparagraph ~~that includes one or more local school systems, or~~
100 ~~any portion thereof, or a state-wide attendance zone.~~

101 (v) The Department of Education shall provide administrative and technical support
102 and shall be authorized to allocate funds, including state funds, federal funds,
103 proceeds of general obligation debt, or any other available funds, for any school that
104 transitions from operating as a system-collaborative state charter school to operating
105 as a state chartered special school, as provided for in division (i) of this subparagraph,
106 for purposes directly related to such transition to and operation as a state chartered
107 special school for the duration of such school's current charter contract; provided,
108 however, that such funding shall not continue after the expiration of each such
109 school's charter with the State Board of Education. The Department of Education
110 may withhold up to 2 percent of the amount ~~determined~~ of funding provided pursuant
111 to division ~~(iii)~~(ii) of this subparagraph for each school that transitions from operating
112 as a system-collaborative state charter school to operating as a state chartered special
113 school, as provided for in division (i) of this subparagraph, for use in administering
114 the duties required pursuant to this subsection; provided, however, that any amount
115 withheld pursuant to this subdivision shall be spent solely on expenses incurred by the
116 Department of Education in performing the duties required by this subsection.

117 ~~(C)(i) The State Board of Education, in consultation with the authorizing local school~~
118 ~~system or systems, the State Charter Schools Commission, and system-collaborative~~
119 ~~state charter schools, shall provide for the transfer and designation of existing~~
120 ~~system-collaborative state charter schools to alternative charter schools not later than~~
121 ~~the conclusion of each such school's current charter contract.~~

122 ~~(ii) Regardless of whether it is operating as a state chartered special school pursuant~~
123 ~~to Article 31 of this chapter or a state charter school pursuant to Article 31A of this~~

124 ~~chapter, each system-collaborative state charter school shall be eligible to petition one~~
 125 ~~or more local school systems to become an alternative charter school.~~

126 (iii) The State Board of Education shall not provide for the expansion, extension,
 127 renewal, or replication of former system-collaborative state charter schools as state
 128 chartered special schools; provided, however, ~~that such schools may increase student~~
 129 ~~enrollment by no more than 3 percent each school year and add no more than one~~
 130 ~~school site each school year; provided, further,~~ that any school site opened after
 131 July 1, 2021, shall be located within or contiguous to the same regional educational
 132 service agency service area where the former system-collaborative state charter
 133 school's headquarters were located on January 1, 2021. School sites opened by a
 134 former system-collaborative state charter school after July 1, 2021, pursuant to this
 135 division shall not be included in the calculation of such former system-collaborative
 136 state charter school's funding provided for in division ~~(iii)~~(ii) of subparagraph (B) of
 137 this paragraph; provided, however, that such school sites shall be eligible to receive
 138 QBE formula earnings, as that term is defined in Code Section 20-2-2062.

139 ~~(iv)~~(ii) Notwithstanding any provision of the law to the contrary, ~~effective~~
 140 ~~July 1, 2021,~~ no system-collaborative state charter school shall be eligible for the
 141 extension or renewal of its charter with the State Charter Schools Commission, and
 142 no state chartered special school established pursuant to subparagraph (B) of this
 143 paragraph shall be eligible for the extension or renewal of its current charter with the
 144 State Board of Education.

145 (3) The Department of Education, in collaboration with the Office of Student
 146 Achievement, shall be responsible for collecting and analyzing appropriate data from and
 147 about alternative charter schools on matters consisting of, but not limited to, alternative
 148 charter school effectiveness.

149 (4) Pursuant to an intragovernmental agreement between a student's resident local school
 150 system and the local school system or systems which authorized the alternative charter

151 school, alternative charter schools shall be authorized to enroll students from local school
152 systems other than the local school system or systems which authorized the alternative
153 charter school; provided, however, that students who reside in the authorizing local
154 school system or systems of the alternative charter school shall be prioritized over
155 students who reside outside of such system or systems.

156 (5) This subsection shall stand repealed on June 30, 2024."

157 **SECTION 2.**

158 Said chapter is further amended by revising subsection (a) of Code Section 20-2-167.1,
159 relating to public meetings on proposed annual operating budget, notice, electronic copies,
160 and exception for certain nonprofits, as follows:

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

162 (1) 'Governing body' means the local board of education, governing council, governing
163 board, or other entity by whatever name responsible for creating and implementing the
164 budget of a local education agency.

165 (2) 'Local education agency' means any local school system and, any charter school
166 subject to the provisions of Article 31 or 31A of this chapter, and any nontraditional
167 special school subject to the provisions of Article 31C of this chapter, except this shall
168 not include college and career academies that are charter schools; conversion charter
169 schools, as defined in Code Section 20-2-2062, whose charter is not held by a nonprofit
170 corporation; or system charter schools, as defined in Code Section 20-2-2062."

171 **SECTION 3.**

172 Said chapter is further amended by adding a new article to read as follows:

173 "ARTICLE 31C174 20-2-2096.175 This article shall be known and may be cited as the 'Nontraditional Special Schools Act.'176 20-2-2096.1.177 As used in this article, the term:

178 (1) 'Collaborative operating agreement' means an agreement between a local board of
179 education and a nontraditional special school to provide for education programs and
180 services focused on dropout recovery and prevention or high school credit recovery for
181 students in grades nine through 12 residing in the local school system represented by such
182 local board.

183 (2) 'Department' means the Department of Education.

184 (3) 'Dropout' means an individual who previously dropped out of school according to the
185 uniform definition of 'dropout' provided for in subsection (f) of Code Section 20-14-33.

186 (4) 'Enrollment eligible student' means an individual 18 years of age or older who is
187 eligible for enrollment in appropriate education programs as provided in subsection (a)
188 of Code Section 20-2-150, who meets the definition of dropout provided in paragraph (3)
189 of this Code section, and who is not currently enrolled in a public school in this state.

190 (5) 'Local board' means a county or independent board of education exercising control
191 and management of a local school system pursuant to Article VIII, Section V, Paragraph
192 II of the Constitution.

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

196 (7) 'Nontraditional special school' means a special school provided for in this article
197 which meets the requirements provided in Code Section 20-2-2096.3.

198 (8) 'Nontraditional special school governing board' or 'governing board' means the board
199 for a nontraditional special school as provided for in Code Section 20-2-2096.4.

200 (9) 'Program student' means a student who attends a nontraditional special school
201 pursuant to a current collaborative operating agreement between such school and the
202 student's resident school system but who is not enrolled in such school. Such term does
203 not include enrollment eligible students.

204 (10) 'QBE formula earnings' means funds earned for the Quality Basic Education
205 Formula pursuant to Code Section 20-2-161 and shall include the portion of such funds
206 that are calculated as the local five mill share in accordance with Code Section 20-2-164.
207 QBE formula earnings shall include the salary portion of direct instructional costs, the
208 adjustment for training and experience, the nonsalary portion of direct instructional costs,
209 and earnings for psychologists and school social workers, school administration, facility
210 maintenance and operation, media centers, additional days of instruction in accordance
211 with Code Section 20-2-184.1, and staff development, as determined by the department.

212 (11) 'Resident school system' means the local school system in which a program student
213 attending a nontraditional special school is enrolled.

214 (12) 'School level governance' means final decision-making authority in personnel
215 decisions, financial decisions, curriculum, resource allocation, establishing and
216 monitoring the achievement of school improvement goals, and school operations.

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

219 (14) 'State board' means the State Board of Education.

220 (15) 'System-collaborative state charter school' means a charter school previously
221 authorized by the State Charter Schools Commission pursuant to Article 31A of this
222 chapter that, until or before June 30, 2021, provided programs and services for dropout
223 recovery or high school credit recovery.

224 20-2-2096.2.

225 (a)(1) The state board shall adopt policies, procedures, regulations, and other such
226 requirements for the establishment, funding, and operation of nontraditional special
227 schools under this article.

228 (2)(A)(i) No later than July 1, 2023, each school operating as a state chartered special
229 school and having previously operated as a system-collaborative state charter school
230 that elected to be established as a nontraditional special school, as provided in
231 division (1)(1)(B)(iii) of Code Section 20-2-154.1, shall be so established for the
232 2023-2024 school year and continuing thereafter, subject to the provisions of this
233 article and other applicable law.

234 (ii) The state board shall assign each school provided for in division (i) of this
235 subparagraph to a single attendance zone provided for in subsection (a) of Code
236 Section 20-2-2096.7 on the basis of each such school's current operations.

237 (iii) The state board shall be authorized to allow each school provided for in division
238 (i) of this subparagraph to continue for part or all of the 2023-2024 school year the
239 employment of school administrators and other school personnel who were employed
240 by such school prior to being established as nontraditional special schools.

241 (B) For each state chartered special school, having previously operated as a
242 system-collaborative state charter school, that does not timely make an election as
243 provided in division (1)(1)(B)(iii) of Code Section 20-2-154.1, such school's current
244 charter with the state board shall not be renewed or otherwise extended beyond its
245 current expiration date; nor shall such school receive any state funds under Article 6 of
246 this chapter beyond the expiration date of its current charter with the state board.

247 (3) Subject to appropriations, the state board shall be authorized to provide up to
248 \$10 million in grant funding for the purpose of assisting and encouraging the
249 development of new nontraditional special schools; provided, however, that no current

250 or former state chartered special school, having previously operated as a
251 system-collaborative state charter school, shall be eligible for such funds.

252 (b) The state board shall adopt policies, procedures, regulations, and other such
253 requirements for the dissolution or probationary dissolution of a nontraditional special
254 school upon the recommendation of the State School Superintendent for failure to comply
255 with the requirements of this article or other applicable law or for other good cause as
256 determined by the state board following an impartial due process procedure which shall
257 include, but shall not be limited to, the following:

258 (1) A nontraditional special school shall be notified in writing by the department of
259 alleged noncompliance with provisions of this article or other applicable law, policy, rule,
260 or regulation and shall be allowed no less than 30 days to respond in writing to such
261 notice;

262 (2) If the department provides a corrective action plan to a nontraditional special school,
263 such school shall have no less than 60 days to implement such corrective action plan or
264 reach a resolution of such corrective action plan mutually with the department;

265 (3) If a nontraditional special school fails to timely implement a corrective action plan
266 or reach a resolution of such corrective action plan mutually with the department, or for
267 other good cause, the department shall submit to the State School Superintendent a
268 written recommendation of dissolution or probationary dissolution of such school. The
269 department shall provide a copy of such recommendation to such school, and such school
270 shall be permitted to submit to the State School Superintendent a written response to such
271 recommendation within ten days of the date of such recommendation; and

272 (4) Upon receipt of a recommendation by the department of the dissolution or
273 probationary dissolution of a nontraditional special school, the State School
274 Superintendent shall be authorized to:

275 (A) Require information from the department and such school regarding any alleged
276 noncompliance with this article or other applicable law, any alleged noncompliance

277 with any corrective action plan provided by the department to such school, or any other
278 cause alleged in support of the department's recommendation;

279 (B) Allow such school additional time not to exceed 60 days to demonstrate
280 compliance with the corrective action plan referenced in the department's
281 recommendation;

282 (C) Determine that such school has adequately demonstrated compliance with the
283 corrective action plan referenced in the department's recommendation;

284 (D) Make a recommendation to the state board that such school shall be placed on
285 probationary dissolution for a period of not less than 12 months, during which period
286 such school must demonstrate continuous compliance with this article and other
287 applicable laws and any corrective action plan provided by the department. During any
288 such probationary period, the State School Superintendent shall, at his or her sole
289 discretion, be authorized to recommend that the state board revoke such school's
290 probationary status and proceed with the dissolution of such school; and

291 (E) Make a recommendation to the state board that such nontraditional special school
292 shall be dissolved, effective on a date that ensures the least disruptive transition
293 practicable for students who are enrolled or attending such school.

294 20-2-2096.3.

295 (a) Each nontraditional special school shall be a public school and shall:

296 (1) Provide education programs and services to students in grades nine through 12,
297 including, but not limited to:

298 (A) Nontraditional education programs and services for students who are eligible to
299 attend a traditional public school but are more likely to succeed in a nontraditional
300 setting such as that provided in such nontraditional special school;

301 (B) Dropout prevention and academic intervention programs;

302 (C) Programs for high school credit recovery; and

303 (D) Opportunities for students to schedule classes on weekdays, evenings, and
304 weekends;

305 (2) Operate under the supervision and direction of a governing board as provided for in
306 Code Section 20-2-2096.4;

307 (3) Be treated as a single local education agency for administrative purposes, including
308 data reporting, student enrollment counting procedures, student achievement reporting,
309 funding allocations, and related purposes as defined by the state board and consistent with
310 department rules and regulations; and

311 (4) Be the subject of a school report card prepared and distributed by the Office of
312 Student Achievement as provided in Code Section 20-14-34.

313 (b) Only enrollment eligible students shall be enrolled in a nontraditional special school.

314 (c) Students in grades nine through 12 who are enrolled in a school in their resident school
315 system shall be permitted to attend one or more classes in a nontraditional special school's
316 credit recovery, dropout prevention, or academic intervention program on a part-time basis
317 as program students, subject to the following conditions:

318 (1) The nontraditional special school has available classroom space;

319 (2) Such student shall not be included in the count provided for in Code Section
320 20-2-161 of the nontraditional special school;

321 (3) Such student remains enrolled in his or her resident school system; and

322 (4) Such student's resident school system is party to a current collaborative operating
323 agreement with such nontraditional special school which shall include, but shall not be
324 limited to, provisions for the following:

325 (A) Funding to be provided by the resident school system to the nontraditional special
326 school for program students who attend such school as provided in this subsection,
327 which funding shall be no less than what is required in subsection (b) of Code Section
328 20-2-2096.6;

329 (B) The number and qualifications of student liaisons to be employed by the resident
330 school system to provide academic support and monitoring for program students who
331 attend such school as provided in this subsection and the relevant terms and conditions
332 for how such liaisons will provide such support and monitoring; and

333 (C) Such other requirements as may be established by the state board consistent with
334 this article.

335 (d) The state board shall be authorized to approve a request by a nontraditional special
336 school for a waiver or variance of specifically identified state rules, regulations, policies,
337 and procedures or provisions of this chapter. The goal for each waiver and variance shall
338 be improvement of student performance. The state board shall not be authorized to waive
339 or approve variances on any federal, state, and local rules, regulations, court orders, and
340 statutes relating to civil rights; insurance; the protection of the physical health and safety
341 of school students, employees, and visitors; conflicting interest transactions; the prevention
342 of unlawful conduct; any laws relating to unlawful conduct in or near a public school; the
343 early intervention program provided for in Code Section 20-2-153; any reporting
344 requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; the
345 requirements of Code Section 20-2-210; the requirements of Code Section 20-2-211.1; or
346 the requirements in subsection (c) of Code Section 20-2-327. A local school system that
347 has received a waiver or variance shall remain subject to the provisions of Part 3 of Article
348 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its
349 students except as may be authorized for local boards by Code Section 20-2-133, and shall
350 remain open to enrollment in the same manner as before the waiver request.

351 20-2-2096.4.

352 (a) Each nontraditional special school shall be governed by a governing board which shall
353 be responsible for the school level governance of such school; provided, however, that the

354 day-to-day management and operations of such school shall be delegated to the school
355 superintendent.

356 (b)(1)(A) The superintendent of each local school system that is a party to a
357 collaborative operating agreement with the nontraditional special school shall serve as
358 an ex officio member of such school's governing board.

359 (B)(i) Subject to the provisions of divisions (ii) and (iii) of this subparagraph, the
360 members of each nontraditional special school's governing board shall elect from
361 among themselves five members to be voting members of such governing board.

362 (ii) If fewer than five local school systems are a party to a collaborative operating
363 agreement with the nontraditional special school, then the superintendents of each
364 such local school system shall serve as voting members of such school's governing
365 board.

366 (iii) The governing board of each nontraditional special school provided for in
367 division (a)(2)(A)(i) of Code Section 20-2-2096.2 shall convene by January 15, 2024,
368 to elect the voting members of such governing board who shall, thereupon, elect a
369 chairperson.

370 (C) The voting members of each nontraditional special school's governing board shall
371 serve staggered terms of two years concurrent with school years beginning July 1 and
372 ending June 30; provided, however, that voting members shall serve until their
373 successors are elected. The state board shall adopt rules and regulations necessary to
374 provide for such terms, including, but not limited to, rules and regulations for the initial
375 terms of each nontraditional special school's governing board to accomplish the
376 required staggering of terms, except as provided in subparagraph (D) of this paragraph.
377 A voting member may serve multiple terms.

378 (D) The voting members of each nontraditional special school's governing board shall
379 elect a chairperson from among themselves. The first chairperson shall serve an initial
380 term ending June 30 of the year following his or her election, and each successive

381 chairperson shall serve terms of two years concurrent with school years beginning
382 July 1 and ending June 30; provided, however, that chairpersons shall serve until their
383 successors are elected. A chairperson may serve multiple terms.

384 (2) Notwithstanding the provisions of subsection (c) of Code Section 20-2-51, a local
385 school superintendent who is qualified to serve on the governing board of a nontraditional
386 special school pursuant to paragraph (1) of this subsection shall not be disqualified from
387 such service due to an immediate family member serving as a principal, assistant
388 principal, or on the administrative staff of such school; provided, however, that such local
389 school superintendent shall be permitted to designate another official from his or her local
390 school system to serve on such governing board in his or her place.

391 (c) The state board shall adopt rules and regulations to provide for the filling of vacancies
392 on the governing boards of nontraditional special schools.

393 (d) The governing board of each nontraditional special school shall meet quarterly at such
394 dates and times as it may by resolution provide and may hold additional meetings upon the
395 call of the chairperson or the written request of a majority of the members of the governing
396 board. A simple majority of the voting members of the governing board shall constitute
397 a quorum. Notwithstanding the provisions of subsections (f) and (g) of Code Section
398 50-14-1, the governing boards of nontraditional special schools shall be authorized to
399 conduct meetings by teleconference; provided, however, that any such meeting is
400 conducted in substantial compliance with the provisions of Chapter 14 of Title 50.

401 (e) The members of each nontraditional special school governing board shall participate
402 in initial training for boards of newly established nontraditional special schools and annual
403 training thereafter, conducted or approved by the state board. The state board shall provide
404 for or approve such initial and annual training. The training shall include, but not be
405 limited to, best practices on school level governance, the constitutional and statutory
406 requirements relating to public records and meetings, and the requirements of applicable
407 statutes and rules and regulations. The training shall also include two to three hours

408 annually regarding sound fiscal management and monitoring the implementation of the
409 budget in accordance with state laws and regulations which includes the following
410 elements:

411 (1) Governing board developed policies to ensure sound fiscal management, including,
412 but not limited to, balanced budget requirements, spending level authorizations and
413 permissions, deficit spending restrictions, establishment of special funds, and reserve
414 maintenance requirements;

415 (2) Holding the school superintendent accountable for the implementation of the budget
416 in a manner consistent with the school's strategic plan;

417 (3) Establishing, through policy, the level of spending beyond the budget for which the
418 school superintendent must seek board approval;

419 (4) Monitoring the school's audits, monthly financial reports, and additional financial
420 reports needed to make informed decisions and to ensure execution of the budget in a
421 manner consistent with the strategic plan and strategic goals of the school;

422 (5) Reviewing and addressing annually audited financial records and audit findings, with
423 a goal of proactively preventing audit exceptions;

424 (6) Addressing fiscal matters in a manner consistent with state law, sound business
425 practice, and ethical principles regarding conflicts of interest; and

426 (7) Operating in a manner such that the governing board's financial decisions and actions
427 do not provide unfair financial or other opportunistic advantages to any member of the
428 governing board, their family members, associates, or individual constituents.

429 20-2-2096.5.

430 (a) A superintendent shall be appointed for each nontraditional special school by the state
431 board upon consideration of one or more recommendations from the State School
432 Superintendent and such school's governing board.

433 (b)(1) The superintendent for each nontraditional special school shall be employed by the
434 governing board of such school under a written contract for a term of not less than one
435 year and not more than three years.

436 (2) Any provision of any such contract which provides for an extension of the duration
437 of employment thereunder, whether automatic or contingent upon the occurrence of one
438 or more events, shall be void if that extension would result in employment under such
439 contract, as extended, for a period which exceeds three years.

440 (3) Such contract shall provide for a comprehensive evaluation of the superintendent by
441 the governing board of such school at least annually.

442 (c)(1) No person shall be eligible to be appointed, employed, or to serve as the
443 superintendent of a nontraditional special school unless such person is of good moral
444 character, has never been convicted of any crime involving moral turpitude, and
445 possesses acceptable business or management experience as specified by the Professional
446 Standards Commission or the minimum valid certificate or a letter of eligibility for said
447 certificate required by the Professional Standards Commission.

448 (2) No person shall be eligible to be appointed, employed, or to serve as the
449 superintendent of a nontraditional special school who has an immediate family member
450 sitting on the governing board of such school.

451 (d) The superintendent of a nontraditional special school shall have such additional
452 qualifications as may be prescribed by policies of the governing board for such school, not
453 inconsistent with the provisions of this chapter.

454 (e) The superintendent of a nontraditional special school may concurrently serve as a
455 principal, teacher, or in another staff position as directed by the governing board of such

456 school in its sole discretion and in accordance with the terms of the contract between the
457 superintendent and the governing board.

458 (f) No substantive or procedural right regarding employment or termination of
459 employment of a superintendent of a nontraditional special school by the governing board
460 of such school shall be created by this Code section. Rather, the terms and conditions of
461 employment of the superintendent of a nontraditional special school by the governing body
462 of such school shall be determined exclusively by the contract between those parties and
463 may include, without being limited to, the conditions under and procedures by which that
464 contract may be terminated prior to the end of the term of that contract.

465 20-2-2096.6.

466 (a) The department shall pay to each nontraditional special school an amount equal to the
467 sum of:

468 (1) QBE formula earnings and QBE grants earned by the nontraditional special school
469 based on the school's enrollment, school profile, and student characteristics;

470 (2) A proportional share of earned state categorical grants, non-QBE state grants,
471 transportation grants, school nutrition grants, and all other state grants, except state
472 equalization grants, as determined by the department;

473 (3) A proportional share of federal funds received by the State Board of Education for
474 purposes contained in this chapter for which the nontraditional special school is eligible
475 to receive; and

476 (4) An amount equal to the difference between:

477 (A) The actual QBE formula earnings amount earned by the nontraditional special
478 school based on such school's enrollment, school profile, and student characteristics;
479 and

480 (B) The amount that such school's QBE formula earnings would be if the program
481 weight for the alternative education program provided for in subsection (b) of Code

482 Section 20-2-161 was substituted for the program weights for each respective
483 instructional program provided for in subsection (b) of Code Section 20-2-161 with a
484 program weight that is less than the program weight for the alternative education
485 program.

486 (b)(1) For each program student who attends a nontraditional special school pursuant to
487 a current collaborative operating agreement between such nontraditional special school
488 and such student's resident school system, the resident school system shall pay to the
489 nontraditional special school an amount not less than a proportional share of QBE
490 formula earnings, QBE grants, and federal funds earned by the resident school system.
491 Such proportional share shall be calculated pro rata based on the number of one-sixth
492 segments of the school day, or the block scheduling equivalent, such student attends the
493 nontraditional special school.

494 (2) Each resident school system which enters into a collaborative operating agreement
495 with a nontraditional special school shall:

496 (A) Be authorized to use local funds to supplement the state and federal funds provided
497 for in paragraph (1) of this subsection to compensate such school for providing
498 education programs and services to program students from such resident school system;
499 and

500 (B) Be strongly encouraged to provide, at no charge to such school, in-kind
501 consideration for such collaborative operating agreement, including, but not limited to,
502 the shared use of facilities owned by the resident school system, such as office space,
503 meeting space, storage, and parking, and appropriate use of instructional technology
504 and resources, including, but not limited to, network infrastructure, software, and other
505 instructional materials.

506 (3) Nothing in this subsection shall prohibit a resident school system from paying a
507 nontraditional special school more than the amount provided for in paragraph (1) of this
508 subsection pursuant to a collaborative operating agreement.

509 (c) The department may withhold up to 1/2 percent of the amount of funding provided
510 pursuant to subsection (a) this subsection for each nontraditional special school for use in
511 administering the duties required pursuant to this article; provided, however, that any
512 amount withheld pursuant to this subsection shall be spent solely on expenses incurred by
513 the department in performing the duties required by this article.

514 20-2-2096.7.

515 (a) The state board shall establish the following attendance zones:

516 (1) Zone 1 shall comprise the Northwest Georgia, North Georgia, and Pioneer regional
517 education service agency service areas;

518 (2) Zone 2 shall comprise the Metro regional education service agency service area;

519 (3) Zone 3 shall comprise the Northeast Georgia, Griffin, and Middle Georgia regional
520 education service agency service areas;

521 (4) Zone 4 shall comprise the West Georgia and Chattahoochee-Flint regional education
522 service agency service areas;

523 (5) Zone 5 shall comprise the Oconee, Central Savannah River, and Heart of Georgia
524 regional education service agency service areas;

525 (6) Zone 6 shall comprise the First District and Okefenokee regional education service
526 agency service areas; and

527 (7) Zone 7 shall comprise the Southwest Georgia and Coastal Plains regional education
528 service agency service areas.

529 (b)(1) Except as provided in paragraph (2) of this subsection, only one nontraditional
530 special school may operate in each attendance zone provided for in subsection (a) of this
531 Code section.

532 (2)(A) Except as provided in subparagraph (B) of this paragraph, upon being
533 established as a nontraditional special school, if such school is currently operating one
534 or more programs outside the attendance zone assigned to such school by the state

535 board then the state board shall be authorized to permit such school to continue to
536 operate such program or programs until the earlier of June 30, 2028, or the
537 establishment of a new nontraditional special school that is assigned to the attendance
538 zone where such program or programs are operating.

539 (B) The state board shall be authorized to permit one or more nontraditional special
540 schools to operate one or more programs outside the attendance zone assigned to such
541 school; provided, however, that such permitted program exclusively provides education
542 programs and services for students in grades nine through 12 to individuals who are in
543 the custody of a correctional facility, detention facility, jail, prison, or other lawful
544 place of confinement; and provided, further, that the nontraditional special school
545 assigned to the attendance zone where such program operates agrees in writing to the
546 continued operation of such program by the other such nontraditional special school
547 from school year to school year.

548 20-2-2096.8.

549 The department shall provide for a comprehensive evaluation of each nontraditional special
550 school regarding the success, impact, and needs, if any, of such school and shall report in
551 writing the results of such evaluation to the state board at least once every five years such
552 school remains in operation under this article."

553 **SECTION 4.**

554 This Act shall become effective upon its approval by the Governor or upon its becoming law
555 without such approval.

556 **SECTION 5.**

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