

Senate Bill 58

By: Senators Hickman of the 4th, Ginn of the 47th, Kirkpatrick of the 32nd, Cowser of the 46th, Gooch of the 51st 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 repeal certain provisions for alternative charter  
3 schools; to provide for the continued operation of state chartered special schools; to provide  
4 for definitions; to require state chartered special schools to provide nontraditional high school  
5 education; to provide for the approval and renewal of petitions to be state chartered special  
6 schools; to provide for funding of state chartered special schools; to allow local boards of  
7 education to make certain facilities available and provide other facilities and services for use  
8 by state chartered special schools with which they have a collaborative operating agreement;  
9 to provide for student attendance zones; to provide for limitations of enrollment; to provide  
10 for waivers of such limitations; to provide for graduation rate reports; to provide for  
11 prohibitions on simultaneous service; to provide for related matters; to provide for an  
12 effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
16 secondary education, is amended by revising subsection (l) of Code Section 20-2-154.1,

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17 relating to alternative education programs, alternative charter schools, intent, description,  
18 requirements, designation, funding, and effectiveness, as follows:

19 "(1)(1) As used in this subsection, the term:

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

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

28 (C) 'System-collaborative state charter school' means a charter school authorized by  
29 the State Charter Schools Commission that provides programs and services for dropout  
30 recovery or high school credit recovery and is governed by a board of directors which  
31 may include personnel of the local board or boards of education from the geographic  
32 region which the charter school serves.

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

41 (B)(i) Not later than July 1, 2021, each system-collaborative charter school that has  
42 not transitioned to become an alternative charter school shall operate as a state

43 chartered special school, as defined in Code Section 20-2-2062, authorized directly  
44 by the State Board of Education.

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

50 (iii) ~~For the duration of its current charter contract, each~~ Each school that transitions  
51 from operating as a system-collaborative state charter school to operating as a state  
52 chartered special school as provided for in division (i) of this subparagraph shall be  
53 permitted to continue operating as a state chartered special school, subject to the  
54 provisions of division (iv) of this subparagraph, Article 31 of this chapter, and other  
55 applicable laws. Each such state chartered special school shall, until June 30, 2023,  
56 be eligible to receive funding directly from the State Board of Education.~~Effective~~  
57 ~~July 1, 2023, the amount of funding each such state chartered special school shall be~~  
58 ~~eligible to receive directly from the State Board of Education shall be as provided in~~  
59 ~~Code Section 20-2-2068.1. in an amount equal to the amount such school would have~~  
60 ~~received pursuant to Code Section 20-2-2089 had such school continued to operate~~  
61 ~~as a system-collaborative state charter school, except as provided for in division (iii)~~  
62 ~~of subparagraph (C) of this paragraph; provided, however, that such funding~~  
63 ~~eligibility shall be calculated pro rata based upon when such school commences~~  
64 ~~operating as a state chartered special school as determined by the State Board of~~  
65 ~~Education. Effective July 1, 2022, the amount of such funding shall be as provided~~  
66 ~~in Code Section 20-2-2068.1. Effective July 1, 2023, the amount of funding each~~  
67 ~~such state chartered special school shall be eligible to receive directly from the State~~  
68 ~~Board of Education shall be as provided in Code Section 20-2-2068.1. Such funding~~  
69 ~~shall not increase in subsequent fiscal years. A system-collaborative state charter~~

70 school that does not transition to operating as a state chartered special school by July  
71 1, 2021, shall not be eligible for funding available to state charter schools pursuant to  
72 Code Section 20-2-2089 after June 30, 2021.

73 (iv) Not later than July 1, 2023, each school that transitions from operating as a  
74 system-collaborative state charter school to operating as a state chartered special  
75 school as provided for in division (i) of this subparagraph shall be permitted to  
76 petition the State Board of Education for a renewal of its charter to continue operating  
77 as a state chartered special school.

78 (v) The State Board of Education shall be authorized to approve an attendance zone  
79 for each state chartered special school provided for in this subparagraph that includes  
80 one or more local school systems, or any portion thereof, or one or more regional  
81 educational service agency service areas, or any portion thereof, or a state-wide  
82 attendance zone.

83 ~~(v) The Department of Education shall provide administrative and technical support~~  
84 ~~and shall be authorized to allocate funds, including state funds, federal funds,~~  
85 ~~proceeds of general obligation debt, or any other available funds, for any school that~~  
86 ~~transitions from operating as a system-collaborative state charter school to operating~~  
87 ~~as a state chartered special school, as provided for in division (i) of this subparagraph,~~  
88 ~~for purposes directly related to such transition to and operation as a state chartered~~  
89 ~~special school for the duration of such school's current charter contract. The~~  
90 ~~Department of Education may withhold up to 2 percent of the amount determined~~  
91 ~~pursuant to division (iii) of this subparagraph for each school that transitions from~~  
92 ~~operating as a system-collaborative state charter school to operating as a state~~  
93 ~~chartered special school, as provided for in division (i) of this subparagraph, for use~~  
94 ~~in administering the duties required pursuant to this subsection; provided, however,~~  
95 ~~that any amount withheld pursuant to this subdivision shall be spent solely on~~

96 expenses incurred by the Department of Education in performing the duties required  
97 by this subsection.

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

103 ~~(ii) Regardless of whether it is operating as a state chartered special school pursuant~~  
104 ~~to Article 31 of this chapter or a state charter school pursuant to Article 31A of this~~  
105 ~~chapter, each system-collaborative state charter school shall be eligible to petition one~~  
106 ~~or more local school systems to become an alternative charter school.~~

107 ~~(iii) The State Board of Education shall not provide for the expansion, extension,~~  
108 ~~renewal, or replication of former system-collaborative state charter schools as state~~  
109 ~~chartered special schools; provided, however, that such schools may increase student~~  
110 ~~enrollment by no more than 3 percent each school year and add no more than one~~  
111 ~~school site each school year; provided, further, that any school site opened after July~~  
112 ~~1, 2021, shall be located within the same regional educational service agency service~~  
113 ~~area where the former system-collaborative state charter school's headquarters were~~  
114 ~~located on January 1, 2021. School sites opened by a former system-collaborative~~  
115 ~~state charter school after July 1, 2021, pursuant to this division shall not be included~~  
116 ~~in the calculation of such former system-collaborative state charter school's funding~~  
117 ~~provided for in division (iii) of subparagraph (B) of this paragraph; provided,~~  
118 ~~however, that such school sites shall be eligible to receive QBE formula earnings, as~~  
119 ~~that term is defined in Code Section 20-2-2062.~~

120 ~~(iv) Notwithstanding any provision of the law to the contrary, effective July 1, 2021,~~  
121 ~~no system-collaborative state charter school shall be eligible for the extension or~~

122 renewal of its charter as a system-collaborative state charter school with the State  
123 Charter Schools Commission.

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

128 (4) Pursuant to an intragovernmental agreement between a student's resident local school  
129 system and the local school system or systems which authorized the alternative charter  
130 school, alternative charter schools shall be authorized to enroll students from local school  
131 systems other than the local school system or systems which authorized the alternative  
132 charter school; provided, however, that students who reside in the authorizing local  
133 school system or systems of the alternative charter school shall be prioritized over  
134 students who reside outside of such system or systems.

135 (5) State chartered special schools provided for in subparagraph (B) of paragraph (2) of  
136 this subsection shall be authorized to enroll any student within such school's approved  
137 attendance zone."

138 **SECTION 2.**

139 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by revising  
140 paragraph (16) of and adding a new paragraph to Code Section 20-2-2062, relating to  
141 definitions, to read as follows:

142 "(3.3) 'Collaborative operating agreement' means an agreement between a local board of  
143 education and a state chartered special school to provide for education programs and  
144 services focused on dropout recovery or high school credit recovery for students residing  
145 in the local school system represented by such local board."

146 "(16) 'State chartered special school' means a charter school created as a special school  
147 to provide nontraditional high school education, including, but not limited to, alternative

148 education, dropout recovery, and credit recovery or to serve high school students who  
 149 have not yet successfully completed required credits consistent with their age and grade,  
 150 up to and including any and all credits necessary for graduation, that is authorized by the  
 151 state board to operate under the terms of a charter between the charter petitioner and the  
 152 state board."

153 **SECTION 3.**

154 Said chapter is further amended by revising subsection (c) of Code Section 20-2-2064.1,  
 155 relating to review of charter by state board and charters for state chartered special schools,  
 156 as follows:

157 "(c)(1) No application for a state chartered special school may be made to the state board  
 158 by a petitioner for a conversion charter school that has been denied by a local board.

159 (2) Upon denial of a petition for a start-up charter school by a local board and upon  
 160 application to the state board by the petitioner, the state board shall approve the charter  
 161 of a start-up charter petitioner for a state chartered special school if the state board finds,  
 162 after receiving input from the Charter Advisory Committee, that such petition meets the  
 163 requirements set forth in Code Section 20-2-2063 and the provisions of this title; and is  
 164 in the public interest.

165 (3)(A) The state board shall renew an existing charter with state chartered special  
 166 school or approve a petition to become a state chartered special school if the state board  
 167 finds, after receiving input from the Charter Advisory Committee, that the petition  
 168 complies with the rules, regulations, policies, and procedures promulgated pursuant to  
 169 Code Section 20-2-2063 and the provisions of this title; is in the public interest; and  
 170 promotes school level governance.

171 (B) The state board shall be authorized to renew the attendance zone; to approve an  
 172 attendance zone that includes one or more local systems, or any portion thereof, or one

173 or more regional educational service agency service areas, or any portion thereof; or to  
 174 approve a state-wide attendance zone."

175 **SECTION 4.**

176 Said chapter is further amended by revising subsection (d) of Code Section 20-2-2068.1,  
 177 relating to charter school funding, as follows:

178 "(d)(1)(A) State chartered special schools shall provide nontraditional high school  
 179 education, which shall include, but shall not be limited to, alternative education,  
 180 dropout recovery, and credit recovery.

181 (B) The amount of state funds appropriated and allocated for the alternative education  
 182 provided by state chartered special schools shall be based on the actual count of  
 183 students served during the preceding year.

184 (2) Effective July 1, 2012 2023, except as otherwise provided in paragraph (2) of this  
 185 subsection, the department shall pay to each state chartered special school through  
 186 appropriation of state funds an amount equal to the sum of:

187 (A)(i) QBE formula earnings and QBE grants earned by the state chartered special  
 188 school based on the school's enrollment, school profile, and student characteristics.  
 189 For purposes of this subparagraph, the term 'QBE formula earnings' means funds  
 190 earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161,  
 191 including the portion of such funds that are calculated in accordance with Code  
 192 Section 20-2-164. QBE formula earnings shall include the salary portion of direct  
 193 instructional costs, the adjustment for training and experience, the nonsalary portion  
 194 of direct instructional costs, and earnings for psychologists and school social workers,  
 195 school administration, facility maintenance and operation, media centers, additional  
 196 days of instruction in accordance with Code Section 20-2-184.1, and staff  
 197 development, as determined by the department; and



- 198 (ii) A proportional share of earned state categorical grants, non-QBE state grants,  
 199 transportation grants, school nutrition grants, and all other state grants, except state  
 200 equalization grants, as determined by the department; and
- 201 (B)(i) Except as provided in division (ii) of this subparagraph:
- 202 (I) For the 2023-2024 and 2024-2025 school years, an amount equal to zero; and  
 203 (II) Beginning with the 2025-2026 school year, an amount equal to 75 percent of  
 204 the supplemental amount provided for in subparagraph (C) of this paragraph; and
- 205 (ii) A pro rata share of 100 percent of the supplemental amount provided for in  
 206 subparagraph (C) of this paragraph for each student who receives high school  
 207 education services from such state chartered special school and who is either:
- 208 (I) Enrolled in a school operated by the United States Department of Defense on  
 209 a military reservation; or
- 210 (II) In the custody of the Department of Corrections.
- 211 (C) For purposes of subparagraph (B) of this paragraph, the supplemental amount shall  
 212 be calculated as the ~~The state-wide average amount of the total revenues less federal~~  
 213 ~~revenues less state revenues other than equalization grants per full-time equivalent for~~  
 214 ~~all school systems; provided, however, that, if the average amount of the total revenues~~  
 215 ~~less federal revenues less state revenues other than equalization grants per full-time~~  
 216 ~~equivalent for the local school systems that comprise the attendance zone of the state~~  
 217 ~~chartered special school is less than the state-wide average amount of the total revenues~~  
 218 ~~less federal revenues less state revenues other than equalization grants per full-time~~  
 219 ~~equivalent for all school systems, the state chartered special school shall receive the~~  
 220 ~~greater of:~~
- 221 ~~(i) The average amount of the total revenues less federal revenues less state~~  
 222 ~~revenues other than equalization grants per full-time equivalent for the local school~~  
 223 ~~systems that comprise the attendance zone of the state chartered special school; or~~

224 ~~(ii) The average amount of the total revenues less federal revenues less state~~  
225 ~~revenues other than equalization grants per full-time equivalent for the lowest five~~  
226 ~~school systems ranked by assessed valuation per weighted full-time equivalent~~  
227 ~~count, as determined by the department; and~~

228 ~~(C)(i) For brick-and-mortar state chartered special schools, the state-wide average~~  
229 ~~total capital revenue, excluding local revenue bonds, per full-time equivalent, as~~  
230 ~~determined by the department or the capital revenue per full-time equivalent for the~~  
231 ~~local school system where the brick-and-mortar state chartered special school is~~  
232 ~~located, whichever is greater; and~~

233 ~~(ii) For state chartered special schools that offer virtual instruction, an amount equal~~  
234 ~~to 25 percent of the state-wide average total capital revenue per full-time equivalent~~  
235 ~~if such school provides computer hardware, software, associated technical equipment,~~  
236 ~~and ongoing maintenance required and necessary for its students to participate in such~~  
237 ~~virtual instruction.~~

238 ~~(2) In the event that a state chartered special school offers virtual instruction, the amount~~  
239 ~~of funds received pursuant to subparagraph (B) of paragraph (1) of this subsection shall~~  
240 ~~be equal to two-thirds of such calculated amount; provided, however, that this two-thirds~~  
241 ~~amount may be increased by any amount up to the originally calculated amount in the~~  
242 ~~discretion of the department if relevant factors warrant such increase.~~

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

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

247 ~~(B) 'Assessed valuation per weighted full-time equivalent count' is defined as the~~  
248 ~~assessed valuation for the most recent year available divided by the weighted full-time~~  
249 ~~equivalent count for the year of the digest.~~

250 ~~(4)~~(3) The department may withhold up to ~~3~~ 2 percent of the amount determined  
 251 pursuant to ~~paragraphs (1) and paragraph~~ paragraph (2) of this subsection for each state chartered  
 252 special school for use in administering the duties required pursuant to this article with  
 253 respect to state chartered special schools; provided, however, that any amount withheld  
 254 pursuant to this subsection shall be spent solely on expenses incurred by the department  
 255 in performing the duties required by this article with respect to state chartered special  
 256 schools.

257 ~~(5)~~(4) No deduction shall be made to any state funding which a local school system is  
 258 otherwise authorized to receive pursuant to this chapter as a direct result or consequence  
 259 of the enrollment in a state chartered special school of a specific student or students who  
 260 reside in the geographical area of the local school system.

261 ~~(6)~~(5) Funding for state chartered special schools pursuant to this subsection shall be  
 262 subject to appropriations by the General Assembly and such schools shall be treated  
 263 consistently with all other public schools in this state, pursuant to the respective statutory  
 264 funding formulas and grants.

265 ~~(7)~~(6) The local board shall not be responsible for the fiscal management, accounting,  
 266 or oversight of the state chartered special school. The state chartered special school shall  
 267 report enrolled students in a manner consistent with Code Section 20-2-160. Any data  
 268 required to be reported by the state chartered special school shall be submitted directly  
 269 by the school to the appropriate state agency. Where feasible, the state board shall treat  
 270 a state chartered special school no less favorably than other public schools within the  
 271 state with respect to the provision of funds for transportation and building programs."

272 **SECTION 5.**

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

274 "20-2-2068.3.

275 (a)(1) The State Board of Education shall be authorized to prohibit a state chartered  
276 special school from increasing student enrollment to more than 100 percent of such  
277 school's actual count of students served during the preceding school year or to permit  
278 such school to increase student enrollment up to 130 percent of such count.

279 (2) The State Board of Education shall be authorized to waive the enrollment limitations  
280 provided for in paragraph (1) of this subsection by amending its charter with a state  
281 chartered special school. Prior to such an amendment, the State Board of Education shall  
282 consider the need of the community to be served, the ability of the school to meet that  
283 need, the resources available to the school, and the overall budgetary impact of increased  
284 service.

285 (b) Not later than September 1, 2023, the Department of Education shall, in consultation  
286 with the Office of Student Achievement, develop and implement procedures by which the  
287 Department of Education shall prepare a four-year cohort graduation rate report by local  
288 school system and by state chartered special school. For the purposes of such report,  
289 students who are enrolled at a state chartered special school shall be included:

290 (1) During the period of their four-year cohort, with the local school system in which  
291 each such student would be enrolled based on his or her residence; and

292 (2) Outside the period of their four-year cohort, with the state chartered special school  
293 in which they are enrolled.

294 (c) Each local board of education that has entered into a collaborative operating agreement  
295 with a state chartered special school shall be authorized and is strongly encouraged to  
296 provide to such state chartered special school:

297 (1) The shared use of facilities owned by the local board of education to be used by the  
298 state chartered special school to support operations, such as office space, meeting space,  
299 storage, and parking. The local board of education shall not charge a rental or leasing fee

300 for any facility provided pursuant to this paragraph. The state chartered special school  
301 shall not sell or dispose of any property of the local board of education; and

302 (2) The use of instructional technology and resources, including but not limited to  
303 network infrastructure, software, and other instructional materials.

304 (d) No member of the governing board of the state chartered special school shall:

305 (1) Act in his or her official capacity in any matter where he or she, his or her immediate  
306 family member, or a business organization in which he or she has an interest has a  
307 material financial interest that would reasonably be expected to impair his or her  
308 objectivity or independence of judgment;

309 (2) Solicit or accept or knowingly allow his or her immediate family member or a  
310 business organization in which he or she has an interest to solicit or accept any gift, favor,  
311 loan, political contribution, service, promise of future employment, or other thing of  
312 value based upon an understanding that the gift, favor, loan, contribution, service,  
313 promise, or other thing of value was given or offered for the purpose of influencing that  
314 board member in the discharge of his or her duties as a board member;

315 (3) Use, or knowingly allow to be used, his or her position or any information not  
316 generally available to the members of the public which he or she receives or acquires in  
317 the course of and by reason of his or her position for the purpose of securing financial  
318 gain for himself or herself, his or her immediate family member, or any business  
319 organization with which he or she is associated; or

320 (4) Be an officer or serve on the board of directors of any organization that sells goods  
321 or services to that state chartered special school."

322 **SECTION 6.**

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

325

**SECTION 7.**

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