

Senate Bill 153

By: Senators Dolezal of the 27th and Tillery of the 19th

**AS PASSED**

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 alternative charter schools; to  
3 provide for system-collaborative state charter schools to transition from operating under state  
4 charters to operating as state chartered special schools by July 1, 2021, or as alternative  
5 charter schools; to provide for definitions; to provide for designation; to provide for data  
6 collection; to provide for eligibility criteria, requirements, and procedures; to provide for  
7 enrollment; to provide for funding; to prohibit approval, renewal, or extension of certain state  
8 charter school petitions; to prohibit expansion, extension, renewal, or replication of former  
9 system-collaborative state charter schools, subject to certain exceptions; to provide for  
10 additional prohibitions on simultaneous service; to provide for legislative intent; to provide  
11 for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 It is the intent of the General Assembly to study alternative education models and funding  
15 including those focused on dropout prevention, high school credit recovery, and service of  
16 adult and incarcerated students. Such study of alternative education models and funding

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17 shall include alternative charter schools and state support of such schools. Such study shall  
18 occur during 2021 and 2022 and shall conclude with a recommendation to the General  
19 Assembly regarding alternative education models and funding.

20

## SECTION 2.

21 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
22 secondary education, is amended by revising subsection (l) of Code Section 20-2-154.1,  
23 relating to alternative education programs under the "Quality Basic Education Act," intent,  
24 description, and funding, and by adding a new subsection to read as follows:

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

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

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

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

39 (2)(A) The State Board of Education and the Department of Education, in consultation  
40 with authorizing local school system or systems, shall establish a process to designate  
41 alternative charter schools. Any designation process established pursuant to this  
42 subparagraph shall, in addition to meeting the requirements provided for in Code

43 Section 20-2-2063, shall require the charter petitioner to demonstrate how the proposed  
44 alternative charter school will increase graduation opportunities for traditional high  
45 school students, decrease dropout rates in local school systems, and provide high school  
46 credit recovery opportunities.

47 (B)(i) Not later than July 1, 2021, each system-collaborative charter school that has  
48 not transitioned to become an alternative charter school shall operate as a state  
49 chartered special school, as defined in Code Section 20-2-2062, authorized directly  
50 by the State Board of Education.

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

56 (iii) For the duration of its current charter contract, each school that transitions from  
57 operating as a system-collaborative state charter school to operating as a state  
58 chartered special school as provided for in division (i) of this subparagraph shall be  
59 eligible to receive funding directly from the State Board of Education in an amount  
60 equal to the amount such school would have received pursuant to Code Section  
61 20-2-2089 had such school continued to operate as a system-collaborative state  
62 charter school, except as provided for in division (iii) of subparagraph (C) of this  
63 paragraph; provided, however, that such funding eligibility shall be calculated pro rata  
64 based upon when such school commences operating as a state chartered special school  
65 as determined by the State Board of Education. Such funding shall not increase in  
66 subsequent fiscal years. A system-collaborative state charter school that does not  
67 transition to operating as a state chartered special school by July 1, 2021, shall not be  
68 eligible for funding available to state charter schools pursuant to Code Section  
69 20-2-2089 after June 30, 2021.

70 (iv) The State Board of Education shall be authorized to approve an attendance zone  
71 for each state chartered special school provided for in this subparagraph that includes  
72 one or more local school systems, or any portion thereof, or a state-wide attendance  
73 zone.

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

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

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

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

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

111 (iv) Notwithstanding any provision of the law to the contrary, effective July 1, 2021,  
112 no system-collaborative state charter school shall be eligible for the extension or  
113 renewal of its charter with the State Charter Schools Commission.

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

118 (4) Pursuant to an intragovernmental agreement between a student's resident local school  
119 system and the local school system or systems which authorized the alternative charter  
120 school, alternative charter schools shall be authorized to enroll students from local school  
121 systems other than the local school system or systems which authorized the alternative  
122 charter school; provided, however, that students who reside in the authorizing local

123 school system or systems of the alternative charter school shall be prioritized over  
124 students who reside outside of such system or systems.

125 (m) The State Board of Education shall adopt rules necessary to administer the  
126 provisions of this Code section. Academically, the mission of alternative education  
127 programs shall be to enable students to perform at grade level. Annually, the Office of  
128 Student Achievement shall define for alternative education programs acceptable  
129 performance and performance indicating a need for peer review, based principally on  
130 standards defined by the Office of Student Achievement that measure the academic  
131 progress of students toward performing at grade level while attending an alternative  
132 education program."

133 **SECTION 3.**

134 Said chapter is further amended in Article 31, relating to the Charter Schools Act of 1998,  
135 by adding a new subsection to Code Section 20-2-2068.1, relating to charter school funding,  
136 to read as follows:

137 "(j) Alternative charter schools, as provided for in subsection (l) of Code Section  
138 20-2-154.1, shall be funded pursuant to this Code section, subject to appropriations by the  
139 General Assembly, and such schools shall be treated consistently with all other public  
140 schools in this state, pursuant to the respective statutory funding formulas and grants."

141 **SECTION 4.**

142 Said chapter is further amended in Article 31A, relating to state charter schools, by adding  
143 a new paragraph to subsection (c) and by revising paragraph (2) of subsection (e) of Code  
144 Section 20-2-2084, relating to petition for charter schools, requirements of school, governing  
145 board membership, annual training, and simultaneous service prohibited, to read as follows:

146 "(4) The commission shall not approve, renew, or extend a state charter school petition  
147 for any school with one or more employees, officers, or governing board members who

148 are also an officer, member, or executive-level employee of a local board of education  
149 or an employee of a local school system from the geographic region which the state  
150 charter school serves. As used in this paragraph, the term 'executive-level employee'  
151 means an employee serving as superintendent, deputy, assistant, or associate  
152 superintendent, chief financial officer, chief operations officer, or any other similar  
153 position which includes substantial decision-making authority on behalf of the local  
154 school system."

155 "(2) No member of the governing board of the state charter school shall:

156 (A) Act in his or her official capacity in any matter where he or she, his or her  
157 immediate family member, or a business organization in which he or she has an interest  
158 has a material financial interest that would reasonably be expected to impair his or her  
159 objectivity or independence of judgment;

160 (B) Solicit or accept or knowingly allow his or her immediate family member or a  
161 business organization in which he or she has an interest to solicit or accept any gift,  
162 favor, loan, political contribution, service, promise of future employment, or other thing  
163 of value based upon an understanding that the gift, favor, loan, contribution, service,  
164 promise, or other thing of value was given or offered for the purpose of influencing that  
165 board member in the discharge of his or her duties as a board member;

166 (C) Use, or knowingly allow to be used, his or her position or any information not  
167 generally available to the members of the public which he or she receives or acquires  
168 in the course of and by reason of his or her position for the purpose of securing  
169 financial gain for himself or herself, his or her immediate family member, or any  
170 business organization with which he or she is associated; ~~or~~

171 (D) Be an officer or serve on the board of directors of any organization that sells goods  
172 or services to that state charter school; or

173 (E) Be an officer, member, or employee of a local board of education or an employee  
174 of a local school system.

175 As used in this paragraph, the term 'immediate family member' means a spouse, child,  
176 sibling, or parent or the spouse of a child, sibling, or parent."

177

**SECTION 5.**

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