

House Bill 271

By: Representatives Setzler of the 35th, Dudgeon of the 25th, and Taylor of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend Articles 31 and 31A of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to charter schools and state charter schools, respectively, so as to provide
3 for charter-schools-in-the-workplace; to provide for enrollment priorities for charter schools
4 and state charter schools; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
9 charter schools, is amended by adding a new paragraph to and revising paragraph (14) of
10 Code Section 20-2-2062, relating to definitions, to read as follows:

11 "(3.05) 'Charter-school-in-the-workplace' means a school in which one or more business
12 partners provide facility or operational funding and which enrolls students who are
13 children of employees of such business partner or partners."

14 "(14) 'Start-up charter school' means a charter school that did not exist as a local school
15 prior to becoming a charter school. This term shall include a charter-school-in-
16 the-workplace."

17 **SECTION 2.**

18 Said article is further amended by revising Code Section 20-2-2066, relating to admission,
19 enrollment, and withdrawal of students, as follows:

20 "20-2-2066.

21 (a) A local charter school shall enroll students in the following manner:

22 (1)(A) A start-up charter school shall enroll any student who resides in the ~~charter~~
23 attendance zone as specified in the charter and who submits a timely application as
24 specified in the charter unless the number of applications exceeds the capacity of a
25 program, class, grade level, or building. In such case, all such applicants shall have an

26 equal chance of being admitted through a random selection process unless otherwise
 27 prohibited by law; provided, however, that a start-up charter school may give
 28 enrollment preference to applicants in any one or more of the following categories in
 29 the order of priority specified in the charter:

- 30 (i) A sibling of a student enrolled in the start-up charter school;
- 31 (ii) A sibling of a student enrolled in another local school designated in the charter;
- 32 (iii) A student whose parent or guardian is a member of the governing board of the
 33 start-up charter school or is a full-time teacher, professional, or other employee at the
 34 start-up charter school;
- 35 (iv) Students matriculating from a local school designated in the charter; ~~and~~
- 36 (v) Children who matriculate from a pre-kindergarten program which is associated
 37 with the school, including, but not limited to, programs which share common facilities
 38 or campuses with the school or programs which have established a partnership or
 39 cooperative efforts with the school; and
- 40 (vi) A student who is the child of an employee of the business partner of a
 41 charter-school-in-the-workplace.

42 (B) A conversion charter school shall enroll any student who resides in the attendance
 43 zone specified in the charter and who submits a timely application as specified in the
 44 charter. If the number of applying students who reside in the attendance zone does not
 45 exceed the capacity as specified in the charter, additional students shall be enrolled
 46 based on a random selection process; provided, however, that a conversion charter
 47 school may give enrollment preferences may be given preference to applicants in any
 48 one or more of the following categories in the order of priority specified in the charter:

- 49 (i) A sibling of a student enrolled in the conversion charter school or in any school
 50 in the high school cluster;
- 51 ~~Students~~ A student whose parent or guardian is a member of the governing board
 52 of the conversion charter school or is a full-time teacher, professional, or other
 53 employee at the conversion charter school;
- 54 (iii) Students who were enrolled in the local school prior to its becoming a
 55 conversion charter school;
- 56 (iv) Students who reside in the ~~charter~~ attendance zone specified in the charter; ~~and~~
- 57 (v) Children who matriculate from a pre-kindergarten program which is associated
 58 with the school, including, but not limited to, programs which share common facilities
 59 or campuses with the school or programs which have established a partnership or
 60 cooperative efforts with the school; and
- 61 (vi) A student who is the child of an employee of the business partner of a
 62 charter-school-in-the-workplace; and

63 (2) A student who resides outside the school system in which the local charter school is
 64 located may not enroll in that local charter school except pursuant to a contractual
 65 agreement between the local boards of the school system in which the student resides and
 66 the school system in which the local charter school is located. Unless otherwise provided
 67 in such contractual agreement, a local charter school may give enrollment preference to
 68 a sibling of a nonresident student currently enrolled in the local charter school.

69 (b) A state chartered special school shall enroll any student who resides in the attendance
 70 zone specified in the charter and who submits a timely application as specified in the
 71 charter unless the number of applications exceeds the capacity of a program, class, grade
 72 level, or building. The period of time during which an application for enrollment may be
 73 submitted shall be specified in the charter. In such case, all such applicants shall have an
 74 equal chance of being admitted through a random selection process unless otherwise
 75 prohibited by law; provided, however, that a state chartered special school may give
 76 enrollment preference to ~~a child of a full-time teacher, professional, or other employee of~~
 77 ~~the state chartered special school as provided for in subsection (b) of Code Section~~
 78 ~~20-2-293 or to a sibling of a student currently enrolled in the state chartered special school~~
 79 applicants in any one or more of the following categories in the order of priority specified
 80 in the charter:

81 (1) A sibling of a student enrolled in the state chartered special school;

82 (2) A sibling of a student enrolled in another local school designated in the charter;

83 (3) A student whose parent or guardian is a member of the governing board of the state
 84 chartered special school or is a full-time teacher, professional, or other employee at the
 85 state chartered special school;

86 (4) Students matriculating from a local school designated in the charter;

87 (5) Children who matriculate from a pre-kindergarten program which is associated with
 88 the state chartered special school, including, but not limited to, programs which share
 89 common facilities or campuses with the school or programs which have established a
 90 partnership or cooperative efforts with the school; and

91 (6) A student who is the child of an employee of the business partner of a
 92 charter-school-in-the-workplace.

93 (b.1) A charter system shall enroll students in its system charter schools per the terms of
 94 the charter and in accordance with state board rules.

95 (c) A charter school shall not discriminate on any basis that would be illegal if used by a
 96 school system.

97 (d) A student may withdraw without penalty from a charter school at any time and enroll
 98 in a local school in the school system in which such student resides as may be provided for
 99 by the policies of the local board. A student who is suspended or expelled from a charter

100 school as a result of a disciplinary action taken by a charter school shall be entitled to enroll
 101 in a local school within the local school system in which the student resides, if, under the
 102 disciplinary policy of the local school system, such student would not have been subject
 103 to suspension or expulsion for the conduct which gave rise to the suspension or expulsion.
 104 In such instances, the local board shall not be required to independently verify the nature
 105 or occurrence of the applicable conduct or any evidence relating thereto."

106 **SECTION 3.**

107 Article 31A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 108 state charter schools, is amended by adding a new paragraph to Code Section 20-2-2081,
 109 relating to definitions, to read as follows:

110 "(1.1) 'Charter-school-in-the-workplace' means a school in which one or more business
 111 partners provide facility or operational funding and which enrolls students who are
 112 children of employees of such business partner or partners."

113 **SECTION 4.**

114 Said article is further amended by revising paragraph (1) of subsection (c) of Code Section
 115 20-2-2083, relating to powers and duties of the State Charter Schools Commission, as
 116 follows:

117 "(c)(1) The commission shall establish rules and regulations requiring each state charter
 118 school to provide adequate notice of its enrollment procedures; including any provision
 119 for the use of a random selection process where all applicants have an equal chance of
 120 being admitted in the event that the number of applications to enroll in the school exceeds
 121 the capacity of the program, grade, or school. A state charter school shall enroll any
 122 student who resides in the attendance zone specified in the charter and who submits a
 123 timely application as specified in the charter unless the number of applications exceeds
 124 the capacity of a program, class, grade level, or building. In such case, all such applicants
 125 shall have an equal chance of being admitted through a random selection process unless
 126 otherwise prohibited by law; provided, however, that a state charter school may give
 127 enrollment preference to applicants in any one or more of the following categories in the
 128 order of priority specified in the charter:

- 129 (A) A sibling of a student enrolled in the state charter school;
 130 (B) A sibling of a student enrolled in another local school designated in the charter;
 131 (C) A student whose parent or guardian is a member of the governing board of the state
 132 charter school or is a full-time teacher, professional, or other employee at the state
 133 charter school;
 134 (D) Students matriculating from a local school designated in the charter;

- 135 (E) Children who matriculate from a pre-kindergarten program which is associated
 136 with the state charter school, including, but not limited to, programs which share
 137 common facilities or campuses with the school or programs which have established a
 138 partnership or cooperative efforts with the school; and
 139 (F) A student who is the child of an employee of the business partner of a
 140 charter-school-in-the-workplace."

141 **SECTION 5.**

142 Said article is further amended by revising subsections (b) and (c) of Code Section
 143 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 144 membership, and annual training, as follows:

145 "(b) The commission shall be authorized to approve a petition for a state charter school that
 146 meets the following requirements:

147 (1) Has a state-wide attendance zone; ~~or~~

148 (2)(A) Has a defined attendance zone; and

149 (B) Demonstrates that it has special characteristics, such as a special population, a
 150 special curriculum, or some other feature or features which enhance educational
 151 opportunities, which may include the demonstration of a need to enroll students across
 152 multiple communities or an alternative delivery system; provided, however, that the
 153 petitioner shall demonstrate a reasonable justification for any proposed special
 154 curriculum that has a narrow or limited focus; or

155 (3) Is a charter-school-in-the-workplace.

156 (c)(1) For petitions for state charter schools with a state-wide attendance zone, the
 157 petitioner shall submit such petition to the commission and concurrently to the local
 158 board of education in which the school is proposed to be located for information
 159 purposes; provided, however, that this shall not apply to a proposed state charter school
 160 which will solely provide virtual instruction.

161 (2) For petitions for state charter schools with a defined attendance zone, the petitioner
 162 shall concurrently submit such petition to the commission, to the local board of education
 163 in which the school is proposed to be located, and to each local school system from which
 164 the proposed school plans to enroll students. The commission shall not act on a petition
 165 unless the local board of education in which the school is proposed to be located denies
 166 the petition; provided, however, that such local board shall approve or deny the petition
 167 no later than 60 days after its submission, as required pursuant to subsection (b) of Code
 168 Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or
 169 deny such petition by such local board, in violation of Code Section 20-2-2064, shall be
 170 deemed a denial for purposes of this paragraph. A local board that has denied a petition

171 for a state charter school shall be permitted to present to the commission in writing or in
172 person the reasons for denial and the deficiencies in such petition resulting in such denial.
173 (3) For petitions for state charter schools which are charter-schools-in-the-workplace, the
174 petitioner shall submit such petition to the commission and concurrently to the local
175 board of education in which the school is proposed to be located for information
176 purposes.
177 ~~(3)~~(4) The commission may take into consideration any support or opposition by the
178 local board of education or local boards of education on the start-up charter school
179 petition when it votes to approve or deny a corresponding state charter school petition."

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SECTION 6.

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