

House Bill 372 (AS PASSED HOUSE AND SENATE)

By: Representatives Coomer of the 14th, Glanton of the 75th, Nimmer of the 178th, Dickey of the 140th, Coleman of the 97th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to
2 a facilities fund for charter schools, so as to prohibit additional requirements of a charter
3 school to operate that has passed state facility inspections and received a certificate of
4 occupancy; to provide a short title; to amend Code Section 20-3-250.3 of the Official Code
5 of Georgia Annotated, relating to educational institutions exempted from application of part,
6 so as to revise a provision relating to nonpublic, nonprofit colleges; to amend Article 31 of
7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to charter schools,
8 so as to provide for weighted lotteries in charter schools for educationally disadvantaged
9 students; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

11 This part shall be known and may be cited as the "Utopian Academy for the Arts Act."

SECTION 1-2.

12 Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to a facilities
13 fund for charter schools, is amended by adding a new subsection to read as follows:

14 "(i) No municipality, county, or other local political subdivision of this state may require
15 the nonprofit corporation that holds the charter for a charter school that has passed the
16 Department of Education facility inspection and holds a valid certificate of occupancy to
17 obtain any other licensure to operate the school, including, but not limited to, a business
18 license, professional license, or occupational tax certificate; provided, however, that any
19 for profit vendor of the charter school shall be subject to any applicable local requirements
20 relating to doing business in this state. Charter schools shall be subject to all applicable
21 zoning, planning, and building permitting requirements when constructing or renovating
22 a facility."
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PART II

SECTION 2-1.

Code Section 20-3-250.3 of the Official Code of Georgia Annotated, relating to educational institutions exempted from application of part, is amended by revising paragraph (10) of subsection (a), as follows:

"(10) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, any nonpublic, nonprofit college or university granting baccalaureate degrees whose principal office and campus are located in this state and its related graduate and professional programs, which have been in existence ten or more years as a nonpublic, nonprofit college or university ~~prior to July 1, 1989~~, and is accredited by a national or regional accrediting agency recognized by the United States Department of Education;"

PART III

SECTION 3-1.

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

"(4.1) 'Educationally disadvantaged students' means all or a subset of the following: students who are economically disadvantaged, students with disabilities, limited English proficient students, neglected or delinquent students, and homeless students, as each such subset is defined by the State Board of Education in accordance with federal education guidelines and regulations."

SECTION 3-2.

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

"20-2-2066.

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

(1)(A) A start-up charter school shall enroll any student who resides in the ~~charter~~ attendance zone as specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. ~~In such case~~ Except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a start-up charter school may give

60 enrollment preference to applicants in any one or more of the following categories in
61 the order of priority specified in the charter:

- 62 (i) A sibling of a student enrolled in the start-up charter school;
- 63 (ii) A sibling of a student enrolled in another local school designated in the charter;
- 64 (iii) A student whose parent or guardian is a member of the governing board of the
65 start-up charter school or is a full-time teacher, professional, or other employee at the
66 start-up charter school;
- 67 (iv) Students matriculating from a local school designated in the charter; and
- 68 (v) Children who matriculate from a pre-kindergarten program which is associated
69 with the school, including, but not limited to, programs which share common facilities
70 or campuses with the school or programs which have established a partnership or
71 cooperative efforts with the school; ~~and,~~

72 (B) A conversion charter school shall enroll any student who resides in the attendance
73 zone specified in the charter and who submits a timely application as specified in the
74 charter. If the number of applying students who reside in the attendance zone does not
75 exceed the capacity as specified in the charter, additional students shall be enrolled
76 based on a random selection process, except for educationally disadvantaged students
77 who may be provided an increased chance of admission through a weighted lottery if
78 permitted by the school's charter; provided, however, that a conversion charter school
79 may give enrollment preferences ~~may be given~~ preference to applicants in any one or
80 more of the following categories in the order of priority specified in the charter:

- 81 (i) A sibling of a student enrolled in the conversion charter school or in any school
82 in the high school cluster;
- 83 (ii) ~~Students~~ A student whose parent or guardian is a member of the governing board
84 of the conversion charter school or is a full-time teacher, professional, or other
85 employee at the conversion charter school;
- 86 (iii) Students who were enrolled in the local school prior to its becoming a
87 conversion charter school;
- 88 (iv) Students who reside in the ~~charter~~ attendance zone specified in the charter; and
- 89 (v) Children who matriculate from a pre-kindergarten program which is associated
90 with the school, including, but not limited to, programs which share common facilities
91 or campuses with the school or programs which have established a partnership or
92 cooperative efforts with the school; and

93 (2) A student who resides outside the school system in which the local charter school is
94 located may not enroll in that local charter school except pursuant to a contractual
95 agreement between the local boards of the school system in which the student resides and
96 the school system in which the local charter school is located. Unless otherwise provided

97 in such contractual agreement, a local charter school may give enrollment preference to
 98 a sibling of a nonresident student currently enrolled in the local charter school.

99 (b) A state chartered special school shall enroll any student who resides in the attendance
 100 zone specified in the charter and who submits a timely application as specified in the
 101 charter unless the number of applications exceeds the capacity of a program, class, grade
 102 level, or building. The period of time during which an application for enrollment may be
 103 submitted shall be specified in the charter. ~~In such case~~ Except for educationally
 104 disadvantaged students who may be provided an increased chance of admission through
 105 a weighted lottery if permitted by the school's charter, all such applicants shall have an
 106 equal chance of being admitted through a random selection process unless otherwise
 107 prohibited by law; provided, however, that a state chartered special school may give
 108 enrollment preference to ~~a child of a full-time teacher, professional, or other employee of~~
 109 ~~the state chartered special school as provided for in subsection (b) of Code Section~~
 110 ~~20-2-293 or to a sibling of a student currently enrolled in the state chartered special school~~
 111 applicants in any one or more of the following categories in the order of priority specified
 112 in the charter:

- 113 (1) A sibling of a student enrolled in the state chartered special school;
 114 (2) A sibling of a student enrolled in another local school designated in the charter;
 115 (3) A student whose parent or guardian is a member of the governing board of the state
 116 chartered special school or is a full-time teacher, professional, or other employee at the
 117 state chartered special school;
 118 (4) Students matriculating from a local school designated in the charter; and
 119 (5) Children who matriculate from a pre-kindergarten program which is associated with
 120 the state chartered special school, including, but not limited to, programs which share
 121 common facilities or campuses with the school or programs which have established a
 122 partnership or cooperative efforts with the school.

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

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

127 (d) A student may withdraw without penalty from a charter school at any time and enroll
 128 in a local school in the school system in which such student resides as may be provided for
 129 by the policies of the local board. A student who is suspended or expelled from a charter
 130 school as a result of a disciplinary action taken by a charter school shall be entitled to enroll
 131 in a local school within the local school system in which the student resides, if, under the
 132 disciplinary policy of the local school system, such student would not have been subject
 133 to suspension or expulsion for the conduct which gave rise to the suspension or expulsion.

134 In such instances, the local board shall not be required to independently verify the nature
135 or occurrence of the applicable conduct or any evidence relating thereto."

136 **PART IV**

137 **SECTION 4-1.**

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