

Senate Bill 231

By: Senators Anavitarte of the 31st, Payne of the 54th, Parent of the 42nd, Albers of the 56th, Halpern of the 39th and others

AS PASSED SENATE

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 a pilot program to allow for certain
3 adults to enroll in charter schools that provide instruction only for individuals between
4 ages 21 and 35 residing in this state who have not attained a high school diploma; to provide
5 for an exception to the maximum age of eligibility for enrollment; to authorize local boards
6 of education or the State Charter Schools Commission to approve charter schools that serve
7 only individuals between ages 21 and 35 residing in this state who have not attained a high
8 school diploma; to provide for funding for such charter schools; to provide for an effective
9 date and applicability; to provide for a repealer; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended in Code Section 20-2-150, relating to eligibility for
15 enrollment, by revising subsection (a) as follows:

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16 "20-2-150.

17 (a) Except as otherwise provided by subsection (b) of this Code section, all children and
18 youth who have attained the age of five years by September 1 shall be eligible for
19 enrollment in the appropriate general education programs authorized in this part unless they
20 attain the age of 20 by September 1, except as otherwise provided in Code
21 Section 20-2-150.1, or they have received high school diplomas or the equivalent. This
22 shall specifically include students who have reenrolled after dropping out and who are
23 married, parents, or pregnant. Special education students shall also be eligible for
24 enrollment in appropriate education programs through age 21 or until they receive high
25 school or special education diplomas or the equivalent; provided, however, that they were
26 enrolled during the preceding school year and had an approved Individualized Education
27 Program (IEP) which indicated that a successive year of enrollment was needed. Other
28 students who have not yet attained age 21 by September 1 or received high school diplomas
29 or the equivalent shall be eligible for enrollment in appropriate education programs;
30 provided, however, that they have not dropped out of school for one quarter or more. Each
31 local unit of administration shall have the authority to assign students who are married,
32 parents, or pregnant or who have reenrolled after dropping out one quarter or more to
33 programs of instruction within its regular daytime educational program, provided that a
34 local unit of administration may develop and implement special programs of instruction
35 limited to such students within the regular daytime educational program or, at the option
36 of the student, in an alternative program beyond the regular daytime program; provided,
37 further, that such programs of instruction are designed to enable such students to earn
38 course credit toward receiving high school diplomas. These programs may include
39 instruction in prenatal care and child care. Each local unit of administration shall have the
40 authority to provide alternative programs beyond the regular daytime educational program.
41 Unless otherwise provided by law, the State Board of Education shall have the authority
42 to determine the eligibility of students for enrollment. It is declared to be the policy of this

43 state that general and occupational education be integrated into a comprehensive
44 educational program which will contribute to the total development of the individual.

45 (b) A child who was a legal resident of one or more other states or countries for a period
46 of two years immediately prior to moving to this state and who was legally enrolled in a
47 public kindergarten or first grade, or a kindergarten or first grade accredited by a state or
48 regional association or the equivalent thereof, shall be eligible for enrollment in the
49 appropriate general or special education programs authorized in this part if such child will
50 attain the age of five for kindergarten or six for first grade by December 31 and is
51 otherwise qualified."

52

SECTION 2.

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

54 "20-2-150.1.

55 (a)(1) The State Board of Education shall, in coordination with the State Charter Schools
56 Commission and the State Board of the Technical College System of Georgia, establish
57 a pilot program to provide opportunities for eligible adult learners to participate in a
58 charter school program of academic and technical education and training and, upon
59 successful completion of the program, be awarded a high school diploma. The purpose
60 of the pilot program is to assess the feasibility of implementing a state funded charter
61 school program for eligible students who are older than 20 years of age and who have not
62 received a high school diploma.

63 (2) To implement the pilot program, notwithstanding any other provision of law to the
64 contrary, the State Board of Education, the State Charter Schools Commission, and the
65 State Board of the Technical College System of Georgia shall be authorized to waive or
66 provide variances to state rules, regulations, policies, and procedures and to provisions
67 of this title that may be reasonably necessary to meet the goals of the pilot program. Such
68 waivers or variances shall automatically expire at the end of five years unless an earlier

69 expiration is provided for. The State Board of Education shall be authorized to seek
70 waivers or variances of federal laws, rules, regulations, policies, and procedures that may
71 be reasonably necessary to meet the goals of the pilot program.

72 (3) The pilot program, as determined by the State Board of Education, shall include up
73 to three separate charter schools for a period of five years. In an effort to pilot the
74 program under various conditions present in the state, the state board shall seek to include
75 in the pilot program locations and service areas from various geographic areas in the
76 state.

77 (4) The state board shall review the results of the pilot program and shall, no later than
78 February 1 of each year during the program, provide the General Assembly with a
79 comprehensive report on the program with any recommendations for its continued use
80 and any needed changes in the program. Such report shall include a comprehensive list
81 of any such waivers or variances requested as provided for in paragraph (2) of this
82 subsection, a statement of necessity for each request, and whether each request was
83 granted in whole or in part.

84 (b) The pilot program established by the state board pursuant to this Code section shall
85 provide that individuals between ages 21 and 35 residing in this state who have not attained
86 a high school diploma and who meet eligibility criteria determined by the State Board of
87 Education shall be eligible for enrollment in a local charter school established pursuant to
88 subsection (e) of Code Section 20-2-2063 or a state charter school established pursuant to
89 paragraph (3) of subsection (b) of Code Section 20-2-2084 that serves only individuals
90 between ages 21 and 35 residing in this state who have not attained a high school diploma,
91 until they attain a high school diploma or no longer reside in this state.

92 (c) This Code section shall stand repealed on July 1 of the year following the conclusion
93 of the pilot program."

94

SECTION 3.

95 Said chapter is further amended in Code Section 20-2-2063, relating to charter petitions, by
96 adding a new subsection to read as follows:

97 "(e) The State Board of Education shall establish rules, regulations, policies, and
98 procedures to provide for charter petitions for start-up charter schools that serve only
99 individuals between ages 21 and 35 residing in this state who have not attained a high
100 school diploma. Notwithstanding any law to the contrary, a start-up charter school serving
101 only individuals between ages 21 and 35 residing in this state who have not attained a high
102 school diploma shall not be subject to the provisions of Part 3 of Article 2 of Chapter 14
103 of this title."

104

SECTION 4.

105 Said chapter is further amended by revising subparagraph (a)(1)(A) of Code
106 Section 20-2-2066, relating to admission, enrollment, and withdrawal of charter school
107 students, as follows:

108 "(1)(A) A start-up charter school shall enroll any student who, at the time of
109 enrollment, resides in the attendance zone specified in the charter and who submits a
110 timely application as specified in the charter unless the number of applications exceeds
111 the capacity of a program, class, grade level, or building. Except for educationally
112 disadvantaged students who may be provided an increased chance of admission through
113 a weighted lottery if permitted by the school's charter, all such applicants shall have an
114 equal chance of being admitted through a random selection process unless otherwise
115 prohibited by law; provided, however, that a start-up charter school may give
116 enrollment preference to applicants in any one or more of the following categories in
117 the order of priority specified in the charter:

- 118 (i) A sibling of a student enrolled in the start-up charter school;
119 (ii) A sibling of a student enrolled in another local school designated in the charter;

120 (iii) A student whose parent or guardian is a member of the governing board of the
121 start-up charter school or is a full-time teacher, professional, or other employee at the
122 start-up charter school;

123 (iv) Students matriculating from a local school designated in the charter; and

124 (v) Children who matriculate from a pre-kindergarten program which is associated
125 with the school, including, but not limited to, programs which share common facilities
126 or campuses with the school or programs which have established a partnership or
127 cooperative efforts with the school.

128 This subparagraph shall not apply to a start-up charter school that serves only
129 individuals between ages 21 and 35 residing in this state who have not attained a high
130 school diploma pursuant to subsection (e) of Code Section 20-2-2063."

131 **SECTION 5.**

132 Said chapter is further amended in Code Section 20-2-2068.1, relating to charter school
133 funding, by adding a new subsection to read as follows:

134 "(k) This Code section shall not apply to a start-up charter school that serves only
135 individuals between ages 21 and 35 residing in this state who have not attained a high
136 school diploma pursuant to subsection (e) of Code Section 20-2-2063."

137 **SECTION 6.**

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

139 "20-2-2068.3.

140 Beginning with the 2023-2024 school year, the State Board of Education shall annually
141 determine the amount of funds needed for the operation of any start-up charter school that
142 serves only individuals between ages 21 and 35 residing in this state who have not attained
143 a high school diploma pursuant to subsection (e) of Code Section 20-2-2063. Such funds

144 appropriated by the General Assembly shall be made available for the operation of such
145 schools under rules and regulations prescribed by the State Board of Education."

146 **SECTION 7.**

147 Said chapter is further amended by revising Code Section 20-2-2084, relating to petitions for
148 charter schools under the State Charter Schools Commission, as follows:

149 "20-2-2084.

150 (a) Petitions submitted to the commission shall be subject to rules and regulations
151 established pursuant to this article.

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

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

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

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

162 (3) Serves only individuals between ages 21 and 35 residing in this state who have not
163 attained a high school diploma and may have a state-wide attendance zone or a defined
164 attendance zone.

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

170 (2) For petitions for state charter schools with a defined attendance zone, the petitioner
171 shall concurrently submit such petition to the commission, to the local board of education
172 in which the school is proposed to be located, and to each local school system from which
173 the proposed school plans to enroll students. The commission shall not act on a petition
174 unless the local board of education in which the school is proposed to be located denies
175 the petition; provided, however, that such local board shall approve or deny the petition
176 no later than 90 days after its submission, as required pursuant to subsection (b) of Code
177 Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or
178 deny such petition by such local board, in violation of Code Section 20-2-2064, shall be
179 deemed a denial for purposes of this paragraph. A local board that has denied a petition
180 for a state charter school shall be permitted to present to the commission in writing or in
181 person the reasons for denial and the deficiencies in such petition resulting in such denial.

182 (3) The commission may take into consideration any support or opposition by the local
183 board of education or local boards of education on the start-up charter school petition
184 when it votes to approve or deny a corresponding state charter school petition.

185 (4) The commission shall not approve, renew, or extend a state charter school petition
186 for any school with one or more employees, officers, or governing board members who
187 are also an officer, member, or executive-level employee of a local board of education
188 or an employee of a local school system from the geographic region which the state
189 charter school serves. As used in this paragraph, the term 'executive-level employee'
190 means an employee serving as superintendent, deputy, assistant, or associate
191 superintendent, chief financial officer, chief operations officer, or any other similar
192 position which includes substantial decision-making authority on behalf of the local
193 school system.

194 (5)(A) For petitions for state charter schools with a state-wide attendance zone that
195 serve only individuals between ages 21 and 35 residing in this state who have not
196 attained a high school diploma, the petitioner shall submit such petition to the

197 commission and concurrently to the local board of education in which the school is
198 proposed to be located for information purposes.

199 (B) For petitions for state charter schools with a defined attendance zone that serve
200 only individuals between ages 21 and 35 residing in this state who have not attained a
201 high school diploma, the petitioner shall concurrently submit such petition to the
202 commission, to the local board of education in which the school is proposed to be
203 located, and to each local school system from which the proposed school plans to enroll
204 students. The commission shall not act on a petition unless the local board of education
205 in which the school is proposed to be located denies the petition; provided, however,
206 that such local board shall approve or deny the petition no later than 90 days after its
207 submission, as required pursuant to subsection (b) of Code Section 20-2-2064, unless
208 the petitioner requests an extension. Failure to approve or deny such petition by such
209 local board, in violation of Code Section 20-2-2064, shall be deemed a denial for
210 purposes of this paragraph. A local board that has denied a petition for a state charter
211 school serving only individuals between ages 21 and 35 residing in this state who have
212 not attained a high school diploma shall be permitted to present to the commission in
213 writing or in person the reasons for denial and the deficiencies in such petition resulting
214 in such denial.

215 (C) Notwithstanding any law to the contrary, a state charter school serving only
216 individuals between ages 21 and 35 residing in this state who have not attained a high
217 school diploma shall not be subject to the provisions of Part 3 of Article 2 of Chapter 14
218 of this title.

219 (d) A state charter school shall:

220 (1) Seek highly qualified, properly trained teachers and other qualified personnel for
221 such schools; provided, however, that such schools shall give preference to hiring an
222 individual who is a citizen or national of the United States over another individual who
223 is not a citizen or national of the United States if the two individuals are equally qualified,

224 unless a teacher is a foreign exchange teacher; provided, however, that prior to hiring an
225 individual other than a citizen or national of the United States or a protected individual
226 as defined in 8 U.S.C. Section 1324b, the school shall receive approval by the
227 commission and demonstrate that qualified teachers and other personnel were sought but
228 not available in such area which warrants hiring an individual other than a citizen or
229 national of the United States or a protected individual as defined in 8 U.S.C.
230 Section 1324b, unless a teacher is a foreign exchange teacher; provided, further, that the
231 commission and the state charter school shall not construe this paragraph in a manner in
232 violation of 8 U.S.C. Section 1324b or other provisions of law; and

233 (2) Give preference in contracting and purchasing of services and materials to businesses
234 incorporated under the laws of this state or qualified to do business within this state and
235 having a regularly maintained and established place of business within this state, so long
236 as such businesses are otherwise similarly situated and qualified as compared to a
237 business from out of state.

238 (e)(1) The members of the governing board for the state charter school shall meet the
239 following qualifications:

240 (A) Must be a United States citizen;

241 (B) Must be a resident of Georgia; and

242 (C) Must not be an employee of the state charter school.

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

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

248 (B) Solicit or accept or knowingly allow his or her immediate family member or a
249 business organization in which he or she has an interest to solicit or accept any gift,
250 favor, loan, political contribution, service, promise of future employment, or other thing

251 of value based upon an understanding that the gift, favor, loan, contribution, service,
252 promise, or other thing of value was given or offered for the purpose of influencing that
253 board member in the discharge of his or her duties as a board member;

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

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

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

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

265 (f) The members of the governing board of each state charter school shall participate in
266 initial training for boards of newly approved state charter schools and annual training
267 thereafter conducted or approved by the commission pursuant to paragraph (12) of
268 subsection (b) of Code Section 20-2-2083.

269 (f.1) The principal, or its equivalent, ~~for~~ of a state charter school shall not serve
270 simultaneously as the chief financial officer, or its equivalent, for the state charter school.

271 (g) An individual that works at a state charter school or an individual that has
272 administrative oversight at a state charter school shall not serve on the board of directors
273 of an organization that sells goods or services to such state charter school."

274 **SECTION 8.**

275 Said chapter is further amended in Code Section 20-2-2089, relating to funding for state
276 charter schools, by adding a new subsection to read as follows:

277 "(f) This Code section shall not apply to state charter schools that serve only an individuals
278 between ages 21 and 35 residing in this state who have not attained a high school diploma
279 pursuant to paragraph (3) of subsection (b) of Code Section 20-2-2084."

280 **SECTION 9.**

281 Said chapter is further amended in Article 31A, relating to state charter schools, by adding
282 a new Code section to read as follows:

283 "20-2-2089.1.

284 Beginning with the 2023-2024 school year, the State Board of Education shall annually
285 determine the amount of funds needed for the operation of any state charter school that
286 serves only individuals between ages 21 and 35 residing in this state who have not attained
287 a high school diploma pursuant to paragraph (3) of subsection (b) of Code
288 Section 20-2-2084. Such funds appropriated by the General Assembly shall be made
289 available for the operation of such schools under rules and regulations prescribed by the
290 State Board of Education."

291 **SECTION 10.**

292 Said chapter is further amended by revising Code Section 20-2-2091, relating to rules and
293 regulations for implementation of the article, as follows:

294 "20-2-2091.

295 The commission and the State Board of Education, as appropriate, shall adopt rules and
296 regulations necessary to facilitate the implementation of this article. Except as otherwise
297 provided in this article, any rules and regulations adopted by the State Board of Education
298 pursuant to this article, to the extent practicable, shall be established in the same manner
299 and subject to the same requirements as for state chartered special schools under Article 31
300 of this chapter; provided, however, that the provisions of subsection (b) of Code
301 Section 20-2-2066 shall not be applied to a state charter school that serves only individuals

302 between ages 21 and 35 residing in this state who have not attained a high school diploma
303 pursuant to paragraph (3) of subsection (b) of Code Section 20-2-2084."

304 **SECTION 11.**

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

307 **SECTION 12.**

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