



2020 Legislative Changes Impacting State Charter Schools

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Introduction

This document provides an overview of 2020 Georgia General Assembly legislative changes that impact state charter schools. The State Charter Schools Commission of Georgia (SCSC) may monitor for any of the following items during annual monitoring and/or throughout the year. State charter schools are encouraged to consult independent legal counsel for questions regarding the impact and implementation of these changes.

Legislative Changes Impacting State Charter School Governance

Public Comment at Governing Board Meetings. SB68 requires local boards of education to provide a public comment period during each regular monthly meeting. Consistent with principles of transparency, state charter schools are required to provide public comment procedures for governing board meetings consistent with this legislative requirement. Public comment periods shall be included on the agenda required to be made available and posted prior to the meeting. Governing boards shall not require more than 24-hours' notice as a precondition to participation in public comment. The governing board may limit the length of time for individual comments and the number of individuals speaking for or against a specific issue.

Reference: [SB 68](#) (effective July 1, 2021)

Legislative Changes Impacting State Charter School Operations

Required Policies for Teacher Evaluation Appeals. HB86 grants teachers who have accepted a school year contract for the fourth or subsequent consecutive school year the right to appeal Teacher Keys Effectiveness System (TKES) summative evaluation ratings of unsatisfactory or ineffective related to *procedural deficiencies on the part of the charter school in conducting the evaluation*. HB86 requires state charter schools to create a (TKES) evaluation appeals policy applicable to eligible teachers, which meets the following requirements:

- Permit appeal of a summative performance ratings of “Unsatisfactory” or “Ineffective.”
- Provide a method and reasonable timelines for filing an appeal that minimize the burden on both parties.
- State that a teacher shall not be the subject of any reprisal as a result of filing an appeal pursuant to this requirement.
- State that an appeal hearing may be conducted by an independent third party or by an administrator in the system office on behalf of the school official or local unit of administration.
- Include a method to receive the decision of the independent third party or system administrator.

Should reprisal occur, teachers may refer the matter to the Georgia Professional Standards Commission (GaPSC). School districts have until July 1, 2021, to submit their appeals policies to GaDOE and anytime thereafter if material changes are made to local policies.

Reference: [HB 86](#) (effective July 1, 2021)

State Charter School Records. Records created, received, or maintained in the performance of a charter by a state charter school shall be the property of the state charter school. This includes financial and student records. Nothing in this subsection shall preclude a state charter school from contracting with a third party for services related to the creation and maintenance of records; provided, however, that at no time shall the third party withhold or otherwise prevent access to any record which is the property of the state charter school. HB 957 further provides that if a state charter school ceases operation, the non-profit entity holding the charter (i.e., the charter school governing board) shall maintain responsibilities, including but not limited to those related to charter school records, for a period of one year, after which the non-profit entity which held the charter shall transfer the records to the SCSC, in the manner specified by the SCSC.

Reference: [HB 957](#) (effective July 1, 2020)

Residency Requirements for Enrolling Students. HB 957 amends the previous requirement that charter school residency be determined at the time of enrollment (when a student formally accepts an offer of admission and completes the enrollment process). HB 957 permits confirmation of residency at the time of pre-lottery application or enrollment. Enrollment requirements – including requirements regarding residency - must be clearly communicated to stakeholders in enrollment policies and procedures, in compliance with SCSC Rule 691-2-05(5).

Reference: [HB 957](#) (effective July 1, 2020)

State Health Benefit Plan Participation. HB 957 clarifies that teachers employed by state charter schools are eligible to participate in the State Health Benefit Plan should their state charter school employer make a timely election to participate. **NOTE:** The requirement that state charter schools apply to join State Health Benefit Plan within the first six months after initial charter approval *remains unchanged*.

Reference: [HB 957](#) (effective July 1, 2020)

Legislative Changes Impacting State Charter School Academics

Dual Enrollment. State funds for dual enrollment courses will be limited to core courses and eligible Career Technical and Agricultural Education (CTAE) courses, excluding fine arts, electives, and physical education. Students can now only receive 30 hours of dual enrollment credit paid by state funds. Nevertheless, students may still participate in dual enrollment courses that do not meet these guidelines or above the student's 30-hour limit at the student's own expense.

Reference: [HB 444](#) (effective July 1, 2020)

Foster Student Eligibility for Special Education Services. Upon the enrollment of a student in foster care, a state charter school shall immediately and deliberately assess whether exposure to trauma has had or is likely to have an adverse impact on the foster care student's educational performance, including both academics and classroom behavior. This assessment shall be a part of the charter school's overall assessment of eligibility for special education or related services.

Reference: [HB 855](#) (effective July 1, 2021)

Student Assessments. This legislation removed five of seven standardized tests required by state law. Additionally, the Georgia Milestones testing window has been shortened and moved to the final 25 days of the academic year.

Reference: [SB 67](#) (effective August 1, 2020)

On-time Graduation Rate. SB 431 creates a definition for on-time graduation rate and defines it as the graduation rate of the four-year cohort of students that attend a school continuously from October 1 of the calendar year four years prior to the calendar year of the regular date of graduation of that cohort and graduate on or before that regular date of graduation.

For example, four ninth-grade students enroll in high school:

- Student 1 enrolls in High School A on September 15 and remains in High School A for four years. Under SB 431, Student 1 would be counted in High School A's on-time graduation rate.
- Student 2 enrolls in High School A on September 15 and transfers to High School B in her tenth-grade year. Under SB 431, Student 2 would not be counted in either High School A or High School B's on-time graduation rate because her enrollment was not continuous in either high school.
- Student 3 enrolls in High School A on September 15 and transfers to High School B in her eleventh-grade year. Student 3 then returns to High School A in her twelfth-grade year.

Under SB 431, Student 3 would not be counted in High School A or High School B's on-time graduation rate because her enrollment in either high school was not continuous.

- Student 4 enrolls in the High School A on October 15 and remains in the high school for four years. Under SB 431, Student 4 would not be counted in the school's on-time graduation rate because she did not attend the school continuously from October 1.

The graduation rate defined in SB 431 would not supersede other definitions promulgated by federal, state, or local laws or regulations. For more information about other graduation rate definitions, please see GaDOE's Accountability webpage [here](#).

Reference: [SB 431](#) (effective January 1, 2021)