

\_\_\_\_\_ offers the following  
substitute to SB 369:

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 require the State Board of Education to adopt  
3 definitions, rules, regulations, policies, and procedures to govern the operation of  
4 nontraditional education programs; to revise the "Dexter Mosely Act" to allow for virtual  
5 school students from qualifying virtual schools to participate in specified extracurricular and  
6 interscholastic activities under the sponsorship, direction, and control of the student's resident  
7 public school or resident public school system; to provide for requirements of such virtual  
8 school student participation; to provide for virtual school qualifications; to provide for  
9 definitions; to provide for related matters; to require local boards of education and other  
10 public school governing bodies to consider the total cost of ownership and related factors  
11 when purchasing school technology devices; to provide for reports; to provide for locally  
12 authorized dropout recovery charter schools; to provide for the conversion of existing charter  
13 schools to dropout recovery charter schools; to provide for measurable objective performance  
14 standards; to provide for separate principles, standards, and reports for dropout recovery  
15 charter schools; to revise provisions for incentive grants for local boards of education to  
16 approve charter school petitions; to revise provisions for the Office of Charter School  
17 Compliance; to revise provisions relative to charter petitions by existing charter schools; to  
18 revise provisions relative to state charter school records; to provide for definitions; to provide

19 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 SECTION 1.

23 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
24 secondary education, is amended in Part 3 of Article 6, relating to educational programs  
25 under the "Quality Basic Education Act," by adding a new Code section to read as follows:

26 "20-2-154.4.

27 (a)(1) By July 1, 2027, the State Board of Education shall establish definitions, rules,  
28 regulations, policies, and procedures to govern the operation of nontraditional education  
29 programs and services, including, but not limited to:

30 (A) Dropout prevention and academic intervention programs;

31 (B) Programs for high school credit recovery; and

32 (C) Opportunities for students to schedule classes outside of the traditional school day,  
33 school week, and school year.

34 (2) The definitions, rules, regulations, policies, and procedures provided for under  
35 paragraph (1) of this subsection shall require that a nontraditional education program or  
36 school provide an explanation of:

37 (A) The special education services to be provided pursuant to Code Section 20-2-152,  
38 the remedial education program services to be provided pursuant to Code  
39 Section 20-2-154, and other nontraditional education programs and services to be  
40 provided;

41 (B) The measurable objective performance standards in the areas of academic  
42 achievement, student growth, and student retention to be established, monitored,  
43 evaluated, and reported; and



69 and other theatrical activities; and clubs and organizations as defined in subsection (a) of  
70 Code Section 20-2-705.

71 (3) 'Home study student' means any student in grades six through 12 who is in a home  
72 study program that meets the requirements of subsection (c) of Code Section 20-2-690.

73 (4) 'Interscholastic activities' means extracurricular activities, public ~~school-sponsored~~  
74 school sponsored athletic programs, and other public ~~school-sponsored~~ school sponsored  
75 programs that are sanctioned or supported by a state-wide interscholastic activities  
76 governing body, including but not limited to an athletic association.

77 (5) 'Qualifying course' means a course facilitated by the home study student's resident  
78 school system:

79 (A) By applying one or more of the mechanisms provided for in paragraphs (1)  
80 through (4) of subsection (b) of Code Section 20-2-319.4;

81 (B) By way of a dual credit course as provided for in Code Section 20-2-161.3; or

82 (C) By way of an on-site course required for participation in designated extracurricular  
83 and interscholastic activities.

84 (6) 'Qualifying virtual school' means a public school in this state that provides solely  
85 virtual instruction and that does not offer to students enrolled in grades six through 12  
86 one or more school sponsored interscholastic athletic programs or other school sponsored  
87 programs that are sanctioned or supported by a state-wide interscholastic activities  
88 governing body.

89 ~~(6)~~(7) 'Resident school' means the public school in which a home study student or virtual  
90 school student would be enrolled based on his or her residence.

91 ~~(7)~~(8) 'Resident school system' means the public school system in which a home study  
92 student or virtual school student would be enrolled based on his or her residence.

93 (9) 'Virtual school student' means a student in grades six through 12 enrolled full-time  
94 in a qualifying virtual school.

95 (c) A home study student shall be eligible to participate in extracurricular activities and  
96 interscholastic activities under the sponsorship, direction, and control of the resident school  
97 or resident school system, provided that each of the following requirements is met:

98 (1) At least 30 calendar days before the first school day of the semester in which a home  
99 study student will enroll in a qualifying course as provided in paragraph (2) of this  
100 subsection, a parent or guardian of the home study student provides to the principal of the  
101 resident school and the superintendent of the resident school system:

102 (A) Written notice that the home study student intends to participate in one or more  
103 specified extracurricular or interscholastic activities as a representative of the resident  
104 school or resident school system; and

105 (B) A copy of the home study student's most recent annual progress assessment report,  
106 as provided for in paragraph (8) of subsection (c) of Code Section 20-2-690, along with  
107 written verification by the home study program instructor that the home study student  
108 is currently receiving a passing grade in each home study program course, is  
109 maintaining satisfactory progress toward advancement, and meets the requirements for  
110 participation in the specified extracurricular or interscholastic activity;

111 (2) For each semester of the regular school year during any part of which the home study  
112 student participates in an extracurricular or interscholastic activity, the home study  
113 student enrolls in and attempts to complete one qualifying course;

114 (3) The home study student meets established age, academic, behavioral, conduct,  
115 disciplinary, residence, zoning, and other rules and requirements applicable to all students  
116 for participation in the specified extracurricular or interscholastic activity and provides  
117 any supporting documentation required by the resident school;

118 (4) The home study student abides by the same student code of conduct and disciplinary  
119 measures and transportation policies as students enrolled at the resident school who are  
120 participating in the same extracurricular or interscholastic activity as the home study  
121 student;

- 122 (5) The home study student completes the tryout process or the equivalent for  
123 participation in the specified extracurricular or interscholastic activity applicable to all  
124 students for participation in the specified extracurricular or interscholastic activity and  
125 provides any supporting documentation required by the resident school; and
- 126 (6) For an extracurricular or interscholastic activity which involves a competitive  
127 selection process, the home study student is selected.
- 128 (c.1) Beginning with the 2027-2028 school year, a virtual school student shall be eligible  
129 to participate in extracurricular activities and interscholastic activities under the  
130 sponsorship, direction, and control of the resident school or resident school system,  
131 provided that each of the following requirements is met:
- 132 (1) At least 30 calendar days before the first school day of the semester in which a virtual  
133 school student intends to participate in one or more extracurricular or interscholastic  
134 activities, a parent or guardian of the virtual school student provides to the principal of  
135 the resident school and the superintendent of the resident school system:
- 136 (A) Written notice that the virtual school student intends to participate in one or more  
137 specified extracurricular or interscholastic activities as a representative of the resident  
138 school or resident school system; and
- 139 (B) A copy of the virtual school student's most recent report card or its equivalent,  
140 along with written verification by the virtual school that the virtual school student is  
141 currently receiving a passing grade in each course and meets the requirements for  
142 participation in the specified extracurricular or interscholastic activity;
- 143 (2) The virtual school student meets established age, academic, behavioral, conduct,  
144 disciplinary, residence, zoning, and other rules and requirements applicable to all students  
145 for participation in the specified extracurricular or interscholastic activity and provides  
146 any supporting documentation required by the resident school;
- 147 (3) The virtual school student abides by the same student code of conduct and  
148 disciplinary measures and transportation policies as students enrolled at the resident

149 school who are participating in the same extracurricular or interscholastic activity as the  
150 virtual school student;

151 (4) The virtual school student completes the tryout process or the equivalent for  
152 participation in the specified extracurricular or interscholastic activity applicable to all  
153 students for participation in the specified extracurricular or interscholastic activity and  
154 provides any supporting documentation required by the resident school; and

155 (5) For an extracurricular or interscholastic activity which involves a competitive  
156 selection process, the virtual school student is selected.

157 (d) A student who withdraws from a public school to participate in a home study program  
158 or enroll in a qualifying virtual school shall be ineligible for participation in any  
159 extracurricular or interscholastic activity for 12 months from the date of the declaration of  
160 intent to utilize a home study program provided to the Department of Education as  
161 provided under paragraph (2) of subsection (c) of Code Section 20-2-690 or enrollment in  
162 the qualifying virtual school.

163 (e) For purposes of this Code section, participation in an extracurricular or interscholastic  
164 activity includes participation in the following ~~school-sponsored~~ school sponsored  
165 activities related to the extracurricular or interscholastic activity: tryouts; off-season  
166 practice, rehearsal, or conditioning; summer and holiday practice, rehearsal, or  
167 conditioning; in-season practice, rehearsal, or conditioning; and all exhibitions, contests,  
168 and competitions, including scrimmage, preseason, regular season, postseason, and  
169 invitational.

170 (f) A resident school, a resident school system, or an athletic association shall not deny a  
171 home study student or a virtual school student the opportunity to try out and participate if  
172 selected in any extracurricular or interscholastic activities available at the resident school  
173 or in the resident school system if the student meets the requirements contained in  
174 subsection (c) or (c.1) of this Code section, respectively, and is not ineligible under  
175 subsection (d) of this Code section.

176 (g) No public high school which receives funding under this article shall participate in,  
177 sponsor, or provide coaching staff for interscholastic activities which are conducted under  
178 the authority of, conducted under the rules of, or scheduled by any athletic association that  
179 does not deem eligible for participation a home study student or virtual school student who  
180 meets the requirements contained in subsection (c) or (c.1) of this Code section,  
181 respectively, and is not ineligible under subsection (d) of this Code section.

182 (h) Home study students and virtual school students shall participate in extracurricular or  
183 interscholastic activities, as authorized under this Code section, on behalf of such home  
184 study student's resident school.

185 (i) The specific assigned program of each home study student enrolled in a qualifying  
186 course shall be included for a one-sixth segment of the school day, or the block scheduling  
187 equivalent, by the home study student's resident school system in reports made to the  
188 Department of Education as provided in subsection (a) of Code Section 20-2-160.

189 (j) The provisions of this Code section relating to qualifying virtual schools and virtual  
190 school students shall apply beginning with the 2027-2028 school year."

### 191 SECTION 3.

192 Said chapter is further amended in Article 19, relating to instructional materials and content,  
193 is amended by adding a new Code section to read as follows:

194 "20-2-1018.

195 (a) As used in this Code section, the term:

196 (1) 'Break/fix rate' means the number of school technology devices reported as  
197 malfunctioning or needing repair prior to the end of the device's life cycle as stated by the  
198 manufacturer due to physical damage, hardware failure, or other breakage incidents  
199 which are not covered by insurance or a policy plan period during a school year divided  
200 by the total number of school technology devices in operation during the same school  
201 year.

202 (2) 'Department' means the Department of Education.

203 (3) 'School technology device' or 'device' means electronic or computerized equipment  
204 greater than \$100.00 in value provided for educational purposes in a public school,  
205 including, but not limited to, computers, tablets, and interactive whiteboards, and  
206 associated hardware, software, and technical equipment.

207 (b) When purchasing school technology devices, each local board of education and other  
208 public school governing body shall take into consideration the following factors:

209 (1) The long-term cost of ownership of such devices, including the costs of repairs;

210 (2) The flexibility for innovation during the life of such devices; and

211 (3) The anticipated resale or salvage value of such devices compared to the initial  
212 purchase cost of such devices.

213 (c) Beginning in 2027, no later than October 15 of each year, each local board of education  
214 and other public school governing body shall submit a report to the department which  
215 includes the following information for the respective local school system or public school  
216 for the preceding school year:

217 (1) The total number of school technology devices in operation;

218 (2) The break/fix rate of school technology devices;

219 (3) The total number of school technology devices which required repair and the number  
220 of such devices that underwent repair or were out of service; and

221 (4) The total amount spent to repair or replace school technology devices.

222 (d) Beginning in 2027, no later than December 31 each year, the department shall submit  
223 a report to the Governor, the President of the Senate, the Speaker of the House of  
224 Representatives, and the chairpersons of the House Committee on Education and the Senate  
225 Education and Youth Committee which shall include the information provided to the  
226 department pursuant to subsection (c) of this Code section."

227

## SECTION 4.

228 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by adding  
229 a new paragraph to Code Section 20-2-2062, relating to definitions, to read as follows:

230 "(4.01)(A) 'Dropout recovery charter school' means a charter school authorized by a  
231 local board of education and the State Board of Education that enrolls students in any  
232 of grades six through 12 and provides:

233 (i) Special education services as provided for in Code Section 20-2-152;

234 (ii) Remedial education program services as provided for in Code Section 20-2-154;  
235 and

236 (iii) Nontraditional education programs and services, including, but not limited to:

237 (I) Dropout prevention and academic intervention programs;

238 (II) Programs for high school credit recovery; and

239 (III) Opportunities for students to schedule classes outside of the traditional school  
240 day, school week, and school year.

241 (B) Such term shall not include a school that serves students in any of grades  
242 kindergarten through five."

243

## SECTION 5.

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

246 "(e)(1) The State Board of Education shall establish rules, regulations, policies, and  
247 procedures to govern the contents of a charter petition for a dropout recovery charter  
248 school.

249 (2) The State Board of Education shall establish rules, regulations, policies, and  
250 procedures to provide for charter petitions for a dropout recovery charter school. Such  
251 rules, regulations, policies, and procedures shall require that a charter petition and the  
252 charter contain an explanation of:

- 253 (A) The special education services to be provided pursuant to Code Section 20-2-152,  
254 the remedial education program services to be provided pursuant to Code  
255 Section 20-2-154, and other nontraditional education programs and services to be  
256 provided; and
- 257 (B) The measurable objective performance standards in the areas of academic  
258 achievement, student growth, and student retention that will be established, monitored,  
259 evaluated, and reported.
- 260 (3) The State Board of Education shall establish policies, rules, and regulations to  
261 provide for an existing charter school to convert its current charter to a dropout recovery  
262 charter school charter, which shall be subject to the initial term restriction provided for  
263 in subsection (b) of Code Section 20-2-2067.1."

#### 264 SECTION 6.

265 Said article is further amended in Code Section 20-2-2063.3, relating to code of principles  
266 and standards for charter school authorizers, by revising subsection (a) as follows:

267 "(a)(1) The State Board of Education and the State Charter Schools Commission shall  
268 jointly establish a code of principles and standards of charter school authorizing to guide  
269 local boards of education, the state board, and the State Charter Schools Commission in  
270 meeting high-quality authorizing practices. The principles and standards established by  
271 the state board and the State Charter Schools Commission shall, as applicable, include:

272 (1)(A) Maintaining high standards for approving charter petitions;

273 (2)(B) Establishing high academic, financial, and operational performance standards  
274 for charter schools;

275 (3)(C) Annually monitoring, evaluating, and reporting charter school progress in  
276 meeting academic, financial, and operational performance standards, including ensuring  
277 that a local school system has not been designated as a high-risk local school system  
278 by the Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it

279 has been designated as a high-risk local school system, that it has a written corrective  
280 action plan in place and that local school system board members and appropriate  
281 personnel participate in required training to address the deficiencies;  
282 ~~(4)~~(D) Upholding charter school autonomy in school governance, instructional  
283 program implementation, personnel, and budgeting;  
284 ~~(5)~~(E) Protecting students and holding charter schools accountable for their obligations  
285 to all students; and  
286 ~~(6)~~(F) Protecting the public interest and holding charter schools accountable for their  
287 obligations of governance, management, and oversight of public funds.  
288 (2) Notwithstanding any provision of paragraph (1) of this subsection to the contrary, the  
289 principles and standards established by the state board and the State Charter Schools  
290 Commission shall establish separate principles and standards for dropout recovery charter  
291 schools, which may include the same or similar principles and standards provided for in  
292 paragraph (1) of this subsection, but which shall include provisions for:  
293 (A) Establishing measurable objective performance standards in the areas of academic  
294 achievement, student growth, and student retention; and  
295 (B) Monitoring, evaluating, and reporting progress in meeting such performance  
296 standards.  
297 (3) In the annual report required by paragraph (2) of subsection (a) of Code  
298 Section 20-14-27, the Office of Student Achievement shall separately report on the  
299 performance of dropout recovery charter schools."

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301  
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#### SECTION 7.

Said article is further amended by revising Code Section 20-2-2064.2, relating to promotion of approval of new local charter school petitions and incentive grants, as follows:

303 "20-2-2064.2.

304 (a) ~~The State Board of Education~~ state board, in collaboration with the ~~State Charter~~  
305 ~~Schools Commission~~ Office of Charter School Compliance, shall establish a program for  
306 the purposes of promoting and supporting the approval of new local charter school petitions  
307 by local boards of education and to provide incentive grants to local boards of education  
308 that approve new local charter school petitions. ~~The State Charter Schools Commission~~  
309 state board shall promulgate such rules and regulations as it deems necessary to carry out  
310 the provisions and intent of this Code section.

311 (b)(1) Subject to appropriations, for each new local charter school petition approved by  
312 a local board of education after June 30, 2025, such local board of education shall receive  
313 an incentive grant of \$250,000.00 by ~~August 1~~ September 1 of each of the first three  
314 years of such local charter school's operation following such approval, provided that such  
315 local charter school remains authorized by such local board of education. In the event  
316 that available appropriations are not sufficient to cover the total amount of ~~such~~ the  
317 incentive grants provided for in this subsection, the amount of each such grant shall be  
318 reduced proportionally, providing incentive grants in equal amounts to each such local  
319 board of education.

320 (2) Incentive grants provided for in paragraph (1) of this subsection shall be provided  
321 only for the approval of new local charter school petitions and not for the approval or  
322 renewal of an existing local charter school.

323 (3) The total amount of incentive grants provided under this subsection shall not  
324 exceed \$2.25 million in any fiscal year.

325 (c) Incentive grants awarded pursuant to subsection (b) of this Code section may be used  
326 by the receiving local board of education for expenses incurred by the local board of  
327 education in its role as a local charter school authorizer, which may include, but shall not  
328 be limited to, hiring qualified personnel and providing for oversight, compliance  
329 monitoring, and professional development related to local charter school authorization.

330 (d) The Department of Education shall ~~implement and administer~~ distribute the incentive  
331 ~~grant program provided for in~~ grants authorized pursuant to subsection (b) of this Code  
332 section and the Office of Charter School Compliance shall provide any technical assistance  
333 necessary to local school systems in to support of compliance with the requirements of this  
334 Code section.

335 (e) This Code section shall stand automatically repealed on July 1, 2035."

336

#### SECTION 8.

337 Said article is further amended by revising paragraph (4) of subsection (b) of Code  
338 Section 20-2-2065, relating to waiver of provisions of this title, requirements for operating,  
339 and control and management, as follows:

340 "(4) Organized and operated as a nonprofit corporation or company under the laws of this  
341 state; provided, however, that this paragraph shall not apply to any charter petitioner that  
342 is a local school, local school system, or state or local public entity;"

343

#### SECTION 9.

344 Said article is further amended by revising subsection (a) of Code Section 20-2-2069, relating  
345 to the Office of Charter School Compliance and Office of District Flexibility, as follows:

346 "(a) There is established within the State Charter Schools Commission an Office of Charter  
347 School Compliance, which shall be staffed with personnel as provided for in  
348 subsection (d.1) of Code Section 20-2-2082; who shall report directly to the ~~State Board~~  
349 ~~of Education~~ state board for purposes of this subsection. The responsibilities of such office  
350 shall be to:

351 (1) Prepare charter school guidelines to be approved by the state board;

352 (2) Distribute charter school petition information to inquiring parties;

- 353 (3) Process all charter school petitions and coordinate with the Charter Advisory  
354 Committee established pursuant to Code Section 20-2-2063.1 to facilitate its such  
355 committee's review and recommendations to the state board;
- 356 (4) Administer ~~any state or federal~~ charter school implementation grant program grant  
357 programs;
- 358 (5) Contract with an independent party to evaluate the performance of charter schools,  
359 as such performance relates to fulfilling the terms of their charters;
- 360 (6) Compile information necessary to produce the annual report required by Code  
361 Section 20-2-2070, which shall include, but shall not be limited to, information regarding  
362 the effectiveness of the incentives incentive grants and the adherence of local school  
363 systems to the requirements provided for in Code Sections 20-2-2064 and 20-2-2064.2;
- 364 (7) Prepare guidelines for local boards of education for the evaluation of charter school  
365 petitions. Such guidelines shall be published on the public website of the Department of  
366 Education and shall include:
- 367 (A) Criteria for evaluating the academic, operational, and financial plans of the charter  
368 petitioner;
  - 369 (B) Best practices for conducting a thorough and objective review of charter petitions;
  - 370 (C) Procedures for public hearings and community input on charter petitions; and
  - 371 (D) A standardized evaluation rubric for use by local boards of education during the  
372 evaluation of charter petitions; and
- 373 (8) Provide technical assistance to local school systems as charter school authorizers,  
374 support local school systems as needed to implement best practices in charter school  
375 authorization, and regularly engage with local school systems to promote charter school  
376 authorization at the local level."

## SECTION 10.

377  
378 Said chapter is further amended in Article 31A, relating to state charter schools, by revising  
379 paragraph (4) of Code Section 20-2-2081, relating to definitions, as follows:

380       "(4) 'Governing board' means the governing board of the nonprofit organization, or the  
381 parent corporation of such nonprofit organization if such parent corporation is the sole  
382 member of such nonprofit organization, which is the charter petitioner for a state charter  
383 school and which is the same as the governing board of the state charter school which is  
384 involved in ~~school-level~~ school level governance of the state charter school."

## SECTION 11.

385  
386 Said chapter is further amended in said article by revising Code Section 20-2-2085, relating  
387 to petitions by existing charter schools, as follows:

388       "20-2-2085.

389       A petition may be submitted pursuant to this Code section by an existing charter school  
390 approved by a local board of education or the State Board of Education, provided that the  
391 obligations of its charter with the local board of education or State Board of Education will  
392 expire prior to entering into a new charter with the commission. The commission shall not  
393 act on a petition submitted pursuant to this Code section unless the local board of education  
394 that authorizes the charter school has voted to terminate or nonrenew the charter contract  
395 or otherwise fails to renew the charter contract by a date established by the State Board of  
396 Education. Upon the existing charter school's request, a local board of education or the  
397 State Board of Education in the case of a state chartered special school may agree to  
398 rescind or waive the obligations of a current charter to allow a petition to be submitted by  
399 an existing charter school pursuant to this Code section. An existing charter school that is  
400 established as a state charter school pursuant to this Code section shall be allowed to  
401 continue the use of all facilities, equipment, and other assets it used prior to the expiration  
402 or rescission of its charter with a local board of education; provided, however, that the local

403 board of education shall be authorized to charge or continue to charge a reasonable fee for  
404 use of the facilities."

405 **SECTION 12.**

406 Said chapter is further amended in said article by revising subsection (b) of Code  
407 Section 20-2-2088.1, relating to ownership and maintenance of state charter school records,  
408 as follows:

409 "(b) In the event that a state charter school ceases operations for any reason, including, but  
410 not limited to, the termination, nonrenewal, or abandonment of the state charter school's  
411 charter, the nonprofit entity which held the charter contract shall retain ownership,  
412 including all incumbent responsibilities of an operational state charter school, of all records  
413 for a period of ~~one-year~~ 180 days from the later of the date the charter contract expired, the  
414 date the charter contract was terminated, or the date the state charter school ceased  
415 operations. Incumbent responsibilities include, but are not limited to, transferring student  
416 records to public or private schools, schools operated by the Department of Juvenile  
417 Justice, and the local school system or schools from which the records are requested. After  
418 the ~~one-year~~ 180 day period, the nonprofit entity which held the charter contract shall  
419 transfer all records, including student records, to the commission in the format and manner  
420 specified by the commission."

421 **SECTION 13.**

422 This Act shall become effective on July 1, 2026.

423 **SECTION 14.**

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