

House Bill 100

By: Representatives Ashe of the 56th and Oliver of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the
2 "Charter Schools Act of 1998," so as to revise and clarify certain provisions relating to
3 funding for charter schools; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Charter
7 Schools Act of 1998," is amended in Code Section 20-2-2062, relating to definitions relative
8 to charter schools, by striking paragraphs (8), (9), and (10) and inserting in lieu thereof the
9 following:

10 "(10) (8) 'Local tax revenue' means local taxes budgeted for school purposes in excess
11 of the local five mill share, combined with any ~~applicable equalization grant~~ budgeted
12 revenues from any of the following: investment earnings, tuition, unrestricted donations,
13 and the sale of surplus property; but exclusive of revenue from bonds issued for capital
14 projects, revenue to pay debt service on such bonds, local option sales tax for capital
15 projects, ~~budgeted transportation costs, budgeted central administration costs,~~ and
16 budgeted school food service program ~~costs~~ revenues. Nothing in this paragraph shall
17 be construed to prevent a local board from including a local charter school in projects
18 specified in the ballot language of a local option sales tax or bond referendum.

19 (8)(9) 'Local school' means a public school in Georgia that is under the management and
20 control of a local board.

21 (9) (10) 'Local school system' means the system of public schools established and
22 maintained by a local board within its limits pursuant to Article VIII, Section V,
23 Paragraph I of the Constitution."

SECTION 2.

1 Said article is further amended in Code Section 20-2-2068.1, relating to application of the
2 Quality Basic Education Formula, grants, local tax revenue, and funds from local bonds, by
3 striking subsections (b), (c), and (d) and inserting in lieu thereof new subsections (b), (c),
4 (c.1), (c.2), and (d) to read as follows:

5 "(b) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and
6 applicable federal grants earned by a local charter school shall be distributed to the local
7 charter school by the local board; provided, however, that state equalization grant earnings
8 shall be distributed as provided in subsection ~~(c)~~ (c.2) of this Code section. QBE formula
9 earnings shall include the salary portion of direct instructional costs, the adjustment for
10 training and experience, the nonsalary portion of direct instructional costs, and earnings for
11 psychologists and school social workers, school administration, facility maintenance and
12 operation, media centers, additional days of instruction in accordance with Code Section
13 20-2-184.1, and staff development. The local charter school shall report enrolled students
14 in a manner consistent with Code Section 20-2-160.

15 (c) In addition to the earnings set out in subsection (b) of this Code section, local ~~tax~~
16 revenue shall be earned by a local charter school on the same basis as for any local school
17 in the local school system. and In the case of a start-up charter school, local revenue
18 earnings shall be calculated as follows:

19 (1) Determine the total amount of state and local five mill share funds earned by students
20 enrolled in the local start-up charter school as calculated by the Quality Basic Education
21 Formula pursuant to Code Section 20-2-160 Part 4 of Article 6 of this chapter including
22 any funds for psychologists and school social workers but excluding any system-wide
23 funds for central administration and pupil transportation and excluding any categorical
24 grants not applicable to the charter school;

25 (2) Determine the total amount of state and local five mill share funds earned by all
26 students in the public schools of the local school system, including any charter schools
27 that receive local ~~tax~~ revenue, as calculated by the Quality Basic Education Formula but
28 excluding the local school system's equalization grant, categorical grants, and other
29 nonQBE formula grants;

30 (3) Divide the amount obtained in paragraph (1) of this subsection by the amount
31 obtained in paragraph (2) of this subsection; and

32 (4) Multiply the quotient obtained in paragraph (3) of this subsection by the school
33 system's local ~~tax~~ revenue.

34 The product obtained in paragraph (4) of this subsection shall be the amount of local funds
35 to be distributed to the local start-up charter school by the local board; provided, however,
36 that nothing in this subsection shall preclude a charter petitioner and a local board of
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1 education from specifying in the charter a greater amount of local funds to be provided by
2 the local board to the local start-up charter school if agreed upon by all parties to the
3 charter. Local funds so earned shall be distributed to the local start-up charter school by
4 the local board. Where feasible and where services are provided, funds for transportation,
5 food service programs, and construction projects shall also be distributed to the local
6 start-up charter school as earned. In all other fiscal matters, including applicable federal
7 allotments, the local board shall treat the local start-up charter school no less favorably than
8 other local schools located within the applicable school system and shall calculate and
9 distribute the funding for the start-up charter school on the basis of its actual or projected
10 enrollment in the current school year.

11 (c.1) The adjustments in each program for training and experience used in calculating the
12 start-up charter school's Quality Basic Education Formula earnings shall not be less than
13 the comparable percentages for the local school system in which the charter school is
14 located in the same manner as for any local school within the local school system.

15 (c.2) If the local school system receives an equalization grant in accordance with Code
16 Section 20-2-165, the start-up charter school's share of the equalization grant shall be
17 calculated by multiplying the quotient obtained in paragraph (3) of subsection (c) of this
18 Code section by the amount of the equalization grant to the local school system. The local
19 conversion charter school's share of an equalization grant shall be calculated in the same
20 manner as for any local school within the local school system.

21 (d) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and
22 applicable federal grants that are earned by a state chartered special school shall be
23 distributed to the local board of the local school system in which the state chartered special
24 school is located which shall distribute the same amount to the state chartered special
25 school; provided, however, that a state chartered special school shall not be included in the
26 calculation and distribution of the local school system's equalization grant unless the voters
27 of the local school system have approved the use of ~~local tax revenue from local tax levies~~
28 and funds from local bonded indebtedness to support the state chartered special school in
29 accordance with subsection (e) of this Code section. If such approval has been given, state
30 equalization grant earnings shall be earned for the state chartered special school and shall
31 be distributed as provided in subsection (f) of this Code section. The local board shall not
32 be responsible for the fiscal management, accounting, or oversight of the state chartered
33 special school. The state chartered special school shall report enrolled students in a manner
34 consistent with Code Section 20-2-160. Any data required to be reported by the state
35 chartered special school shall be submitted directly by the school to the appropriate state
36 agency. Where feasible, the state board shall treat a state chartered special school no less

1 favorably than other public schools within the state with respect to the provision of funds
2 for transportation and building programs."

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SECTION 3.

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