

House Bill 100

By: Representatives Ashe of the 56<sup>th</sup> and Oliver of the 83<sup>rd</sup>

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 style="text-align:center">**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."



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."

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.