

House Bill 831 (AS PASSED HOUSE AND SENATE)

By: Representative Setzler of the 35<sup>th</sup>

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 grant program under the State  
3 Board of Education with respect to qualified donations for the purchase of real property or  
4 capital outlay for charter schools; to provide for a short title; to provide for procedures,  
5 conditions, and limitations; to provide for powers, duties, and authority of the State Board  
6 of Education with respect to the foregoing; to provide for rules and regulations; to provide  
7 an effective date; to provide for related matters; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
12 secondary education, is amended by adding a new article to read as follows:

13 style="text-align:center">"ARTICLE 31B

14 20-2-3010.

15 This article shall be known and may be cited as the 'Charter School Capital Finance Act.'

16 20-2-3011.

17 As used in this article, the term:

18 (1) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result  
19 in the acquisition of fixed assets, existing buildings, improvements to sites, construction  
20 of buildings, construction of additions to buildings, retrofitting of existing buildings for  
21 energy conservation, and initial and additional equipment and furnishings for educational  
22 facilities.

23 (2) 'Charter school' means a charter school:

1 (A) As defined in paragraph (3) of Code Section 20-2-2062; or

2 (B) Authorized by a state entity pursuant to other statutory authority.

3 (3) 'Qualified charter school contributions' means the donation of funds by a taxpayer  
4 to a qualified charter school organization for the purchase of real property and for capital  
5 outlay for a charter school. Such donations shall only be deemed qualified for purposes  
6 of this article if any real property purchased for a charter school with the proceeds  
7 donated pursuant to this article or any charter school constructed or expanded with  
8 proceeds donated pursuant to this article shall have title held by the state board or, if  
9 approved by the state board, a local board of education or other state or local government  
10 entity.

11 (4) 'Qualified charter school organization' means a charitable organization in this state  
12 that is exempt from federal income taxation under Section 501(c)(3) of the Internal  
13 Revenue Code which is approved by the state board to provide funds for the purchase of  
14 real property for capital outlay for charter schools in this state.

15 (5) 'State board' means the State Board of Education.

16 20-2-3012.

17 Subject to appropriations by the General Assembly, the state board shall establish a grant  
18 program for qualified charter school contributions. The grant program shall provide one  
19 dollar in matching funds up to a maximum amount authorized by the state board for a  
20 single charter school project for each dollar donated to a qualified charter school  
21 organization for such project; provided, however, that the total amount to a qualified  
22 charter school organization for a single charter school project shall not exceed 75 percent  
23 of the average per student state portion of capital outlay funding provided pursuant to Code  
24 Section 20-2-260 multiplied by the number of students that the charter school project was  
25 designed to serve.

26 20-2-3013.

27 If appropriations are made by the General Assembly specifically for this program, the state  
28 board shall establish a date certain on which all matching funds shall be committed by a  
29 qualified charter school organization in order to be eligible for the state portion provided  
30 pursuant to this article.

31 20-2-3014.

32 The state board shall adopt policies, guidelines, and standards regarding the construction  
33 of charter schools that are constructed in part with contributions made to qualified charter  
34 school organizations which, to the extent applicable, shall be consistent with state board

1 policies, guidelines, and standards governing construction of other public schools. The  
2 state board shall compile an annual report to the Governor forecasting the amount of  
3 requests for matching funds made pursuant to this article. Such report shall be made  
4 available to any member of the General Assembly upon request.

5 20-2-3015.

6 The state board shall be authorized to promulgate any rules and regulations necessary to  
7 implement and administer the provisions of this article."

8 **SECTION 2.**

9 This Act shall become effective July 1, 2008.

10 **SECTION 3.**

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