

**ADOPTED**

Senators Chance of the 16th, Jackson of the 24th, Millar of the 40th and Miller of the 49th offered the following amendment:

1 *Amend HB 797 (LC 33 4758S) by inserting after "regulations;" on line 7 the following:*

2 to revise provisions relating to funding for state chartered special schools;

3 *By inserting between lines 352 and 353 the following:*

**SECTION 2A.**

4 Said title is further amended by revising subsection (d) of Code Section 20-2-2068.1, relating  
5 to funding for charter schools, as follows:

6 ~~"(d)(1) QBE formula earnings, applicable QBE grants, applicable non-QBE state grants,  
7 and applicable federal grants that are earned by a state chartered special school shall be  
8 distributed to the local board of the local school system in which the state chartered  
9 special school is located which shall distribute the same amount to the state chartered  
10 special school, provided, however, that a state chartered special school shall not be  
11 included in the calculation and distribution of the local school system's equalization grant  
12 unless the voters of the local school system have approved the use of revenue from local  
13 tax levies and funds from local bonded indebtedness to support the state chartered special  
14 school in accordance with subsection (e) of this Code section. If such approval has been  
15 given, state equalization grant earnings shall be earned for the state chartered special  
16 school and shall be distributed as provided in subsection (f) of this Code section.  
17 Effective July 1, 2012, except as otherwise provided in paragraph (2) of this subsection,  
18 the department shall pay to each state chartered special school through appropriation of  
19 state funds an amount equal to the sum of:~~

20 (A)(i) QBE formula earnings and QBE grants earned by the state chartered special  
21 school based on the school's enrollment, school profile, and student characteristics.  
22 For purposes of this subparagraph, the term 'QBE formula earnings' means funds  
23 earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161,  
24 including the portion of such funds that are calculated in accordance with Code  
25 Section 20-2-164. QBE formula earnings shall include the salary portion of direct  
26 instructional costs, the adjustment for training and experience, the nonsalary portion  
27 of direct instructional costs, and earnings for psychologists and school social workers,  
28 school administration, facility maintenance and operation, media centers, additional  
29 days of instruction in accordance with Code Section 20-2-184.1, and staff  
30 development, as determined by the department.  
31

32 (ii) A proportional share of earned state categorical grants, non-QBE state grants,  
 33 transportation grants, school nutrition grants, and all other state grants, except state  
 34 equalization grants, as determined by the department;

35 (B) The average amount of the total revenues less federal revenues less state revenues  
 36 other than equalization grants per full-time equivalent for the lowest five school  
 37 systems ranked by assessed valuation per weighted full-time equivalent count, as  
 38 determined by the department; and

39 (C) The state-wide average total capital revenue per full-time equivalent, as determined  
 40 by the department.

41 (2) In the event that a state chartered special school offers virtual instruction:

42 (A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of  
 43 this subsection shall be equal to two-thirds of such calculated amount; provided,  
 44 however, that this two-thirds amount may be increased by any amount up to the  
 45 originally calculated amount in the discretion of the department if relevant factors  
 46 warrant such increase; and

47 (B) The department may reduce the amount of funds received pursuant to subparagraph  
 48 (C) of paragraph (1) of this subsection in proportion to the amount of virtual instruction  
 49 provided and based on factors that affect the cost of providing instruction.

50 (3) For purposes of this subsection, the terms:

51 (A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax  
 52 digest reduced by the amount calculated pursuant to subsection (g) of Code Section  
 53 20-2-164.

54 (B) 'Assessed valuation per weighted full-time equivalent count' is defined as the  
 55 assessed valuation for the most recent year available divided by the weighted full-time  
 56 equivalent count for the year of the digest.

57 (4) The department may withhold up to 3 percent of the amount determined pursuant to  
 58 paragraphs (1) and (2) of this subsection for each state chartered special school for use  
 59 in administering the duties required pursuant to this article with respect to state chartered  
 60 special schools; provided, however, that any amount withheld pursuant to this subsection  
 61 shall be spent solely on expenses incurred by the department in performing the duties  
 62 required by this article with respect to state chartered special schools.

63 (5) No deduction shall be made to any state funding which a local school system is  
 64 otherwise authorized to receive pursuant to this chapter as a direct result or consequence  
 65 of the enrollment in a state chartered special school of a specific student or students who  
 66 reside in the geographical area of the local school system.

67 (6) Funding for state chartered special schools pursuant to this subsection shall be subject  
 68 to appropriations by the General Assembly and such schools shall be treated consistently

69 with all other public schools in this state, pursuant to the respective statutory funding  
 70 formulas and grants.

71 (7) The local board shall not be responsible for the fiscal management, accounting, or  
 72 oversight of the state chartered special school. The state chartered special school shall  
 73 report enrolled students in a manner consistent with Code Section 20-2-160. Any data  
 74 required to be reported by the state chartered special school shall be submitted directly  
 75 by the school to the appropriate state agency. Where feasible, the state board shall treat  
 76 a state chartered special school no less favorably than other public schools within the  
 77 state with respect to the provision of funds for transportation and building programs."

78 *By replacing lines 353 through 360 with the following:*

79 **SECTION 3.**

80 (a)(1) Section 1 of this Act shall become effective on January 1, 2013, only if a  
 81 Constitutional amendment expressly authorizing the General Assembly to create state charter  
 82 schools as special schools is ratified at the November, 2012, general election.

83 (2) If such an amendment to the Constitution is not so ratified, then Section 1 of this Act  
 84 shall not become effective and shall stand repealed by operation of law on January 1, 2013.

85 (b) All other sections of this Act shall become effective on July 1, 2012.

86 **SECTION 4.**

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