

The Senate Committee on Education and Youth offered the following substitute to HB 100:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-2-167 of the Official Code of Georgia Annotated, relating to  
2 funding for direct instructional, media center, and staff development costs, so as to establish  
3 an expenditure control for direct instructional costs for virtual instruction provided to  
4 students enrolled in a local school system and residing in another local school system; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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8 Code Section 20-2-167 of the Official Code of Georgia Annotated, relating to funding for  
9 direct instructional, media center, and staff development costs, is amended by revising  
10 paragraph (1) of subsection (a) and adding a new subsection to read as follows:

11 "(a)(1) The State Board of Education shall annually compute, based upon the initial  
12 allotment of funds to each local school system, the total funds needed for direct  
13 instructional costs for each program identified in Code Section 20-2-161, specifying the  
14 number of positions earned and salaries and operational costs portions. 'Direct  
15 instructional costs' is defined as those components of the program weights which are  
16 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total  
17 funds needed for direct instructional costs for each program, the state board shall apply  
18 the percentage that these costs represent of the total costs used in developing the program  
19 weights. The direct instructional costs for the five instructional programs for disabled  
20 students shall be summed into one amount for special education. Following the midterm  
21 adjustment, the state board shall issue allotment sheets for each local school system and  
22 each school reflecting the total amount of earnings, initial earnings, and midterm  
23 adjustment, if any, for each program authorized by Code Section 20-2-161. For each  
24 such program, each local school system shall spend a minimum of 90 percent of funds  
25 designated for direct instructional costs on the direct instructional costs of such program  
26 at the school site in which the funds were earned, except that funds earned for special

27 education programs shall be summed for the purposes of this expenditure control. For  
 28 the purposes of this expenditure control, funds earned for counselors and technology  
 29 specialists shall each be summed to the school level. Only the state salary amounts  
 30 resulting from the amount earned on the state-wide salary schedule as approved by the  
 31 State Board of Education pursuant to Code Section 20-2-212 plus associated benefits  
 32 funded by the state and the salaries and any state earned benefits or comparable state  
 33 earned benefits of technology specialists and classroom aides may be applied to the salary  
 34 cost components for the purpose of meeting this expenditure control. Except as otherwise  
 35 provided by law or rule and regulation of the state board, local school systems may  
 36 decide whether direct instructional funds shall be used for teacher salaries, aide salaries,  
 37 instructional material or equipment, or any other appropriate direct instructional expense;  
 38 provided, however, that 100 percent of funds earned for direct instructional salaries shall  
 39 be expended for salaries of direct instructional personnel and classroom aides. The total  
 40 number of positions earned for direct instruction as specified in Code Section 20-2-182,  
 41 adjusted for maximum class size, shall be employed for the delivery of services for which  
 42 the funds were earned. This position control shall be for the kindergarten program, the  
 43 kindergarten early intervention program, the primary grades program, and the primary  
 44 grades early intervention program combined and the combined total for all other  
 45 programs; provided, however, that positions earned for art, music, foreign language, and  
 46 physical education, technology specialists, and counselors shall be totaled for all  
 47 programs. Fractional amounts may be combined and used for any direct instructional  
 48 position. Funds earned for any fractional amounts may be used for any direct  
 49 instructional expense. Quality Basic Education Formula funds in excess of the amount  
 50 required by this paragraph to be expended by a local school system for the direct  
 51 instructional costs of an instructional program specified by Code Section 20-2-161 which  
 52 are not expended for direct instructional costs or for the direct instructional costs for  
 53 virtual instruction which are not expended for virtual instruction pursuant to subsection  
 54 (f) of this Code section must be returned to the state treasury."

55 "(f) Ninety percent of funds earned pursuant to this article by a local school system for  
 56 students enrolled in and receiving only virtual instruction from such local school system  
 57 but residing in another local school system, shall be spent for costs for such virtual  
 58 instruction; provided, however, that this shall not apply to virtual instruction received  
 59 through the Georgia Virtual School established pursuant to Code Section 20-2-319.1 or the  
 60 clearing-house established pursuant to Code Section 20-2-319.3, or through a state charter  
 61 school which provides virtual instruction; provided, further, that this subsection shall not  
 62 be subject to waiver pursuant to Code Section 20-2-82 for a strategic waivers school

63 system, Code Section 20-2-2063.2 for a charter system, Code Section 20-2-2065 for a  
64 charter school, or Code Section 20-2-244."

65 **SECTION 2.**

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