

House Bill 894

By: Representative Jones of the 25<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 revise certain provisions relative to charter schools; to provide that state charter schools may  
3 receive services from regional educational service agencies; to revise funding for state  
4 chartered special schools and state charter schools; to provide for initial funding for charter  
5 schools with projected student growth exceeding 2 percent; to provide for initial funding for  
6 training and experience; to provide for related matters; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
11 Code Section 20-2-270, relating to the establishment of a state-wide network of regional  
12 educational service agencies, as follows:

13 "20-2-270.

14 (a) The State Board of Education shall establish a state-wide network of regional  
15 educational service agencies for the purposes of: providing shared services designed to  
16 improve the effectiveness of educational programs and services to local school systems and  
17 state charter schools; providing instructional programs directly to selected public school  
18 students in the state; and providing Georgia Learning Resources System services. The  
19 regional educational service agencies established by the state board may legally be referred  
20 to as 'RESA' or 'RESA's.'

21 (b) The State Board of Education shall establish the service area of each regional  
22 educational service agency as a geographically defined area of the state. All local school  
23 systems, state charter schools, Technical College System of Georgia facilities and  
24 institutions, and University System of Georgia facilities and institutions that are located in  
25 the designated geographical area shall be members of that regional educational service  
26 agency.

- 27 (c) Every state supported postsecondary institution shall be an active member of a regional  
28 educational service agency.
- 29 (d) Each regional educational service agency and its employees shall be subject to or  
30 exempt from taxation in the same manner as are school systems and school system  
31 employees.
- 32 (e) All employees and volunteers of a regional educational service agency shall be immune  
33 from liability to the same extent as are employees and volunteers of a school system.
- 34 (f) Regional educational service agencies are not state agencies but shall be considered  
35 local units of administration for purposes of this chapter."

## 36 SECTION 2.

37 Said title is further amended by revising Code Section 20-2-270.1, relating to services  
38 provided by regional educational service agencies, as follows:

39 "20-2-270.1.

40 (a) Each regional educational service agency shall provide the following shared services  
41 to member local school systems and state charter schools:

- 42 (1) Identifying or conducting research related to educational improvements and in  
43 planning for the implementation of such improvements;
- 44 (2) Developing and implementing staff development programs with an emphasis on  
45 improving student achievement and school accountability;
- 46 (3) Developing and implementing curricula and instruction of the highest quality  
47 possible, including implementing the uniformly sequenced content standards adopted by  
48 the state board;
- 49 (4) Developing and implementing academic assessment and evaluation programs;
- 50 (5) Identifying and utilizing electronic technology, including computers, in an effort to  
51 improve the quality of classroom instruction as well as classroom, school, and school  
52 system management;
- 53 (6) Developing programs, resource materials, and staff development services relating to  
54 instruction on alcohol and drug abuse; and
- 55 (7) Assistance in the development and implementation of a state-wide mentoring  
56 program.

57 The shared services may also include assistance designed to address documented local  
58 needs pursuant to subsection (d) of Code Section 20-2-272.

59 (b) The state board shall make the service areas for the Georgia Learning Resources  
60 System congruous with the service areas for the RESA's. The RESA's are designated as  
61 the fiscal agents for the agency of the Georgia Learning Resources System or a local board  
62 of education as identified by the State Board of Education through an annual contract to

63 serve as fiscal agent for the Georgia Learning Resources System. All member local school  
 64 systems and state charter schools shall be provided the services of the Georgia Learning  
 65 Resources System.

66 (c) The Psychoeducational Network for severely emotionally disturbed students shall be  
 67 continued in effect. The service areas of units of the Psychoeducational Network for  
 68 severely emotionally disturbed students in place on January 1, 1995, shall be continued in  
 69 effect. The fiscal agent for each service area shall be as in effect on January 1, 1995, unless  
 70 changed as provided in this subsection. Upon the request of a majority of the local school  
 71 superintendents of the local school systems within a service area, representatives of each  
 72 of the local school systems in the respective service area shall vote in the manner and at the  
 73 time prescribed by the state board to determine if one of the local school systems or the  
 74 regional educational service agency serving the respective service area shall serve as the  
 75 fiscal agent for the respective unit of the Psychoeducational Network for the ensuing fiscal  
 76 year. In the event this vote results in a change in the fiscal agent for the respective unit, the  
 77 new fiscal agent shall continue in this capacity for a minimum of three fiscal years. In the  
 78 event a regional educational service agency is designated as the fiscal agent for a service  
 79 area, all member local school systems shall be provided the services of the  
 80 Psychoeducational Network.

81 (d) A regional educational service agency shall be authorized to sell or provide at  
 82 reasonable costs goods to private schools located in this state."

83 **SECTION 3.**

84 Said title is further amended by revising Code Section 20-2-271, relating to development of  
 85 regional improvement plan, introduction of core services, instructional care teams, and  
 86 establishment of alternative methods of teacher certification, as follows:

87 "20-2-271.

88 (a) Each regional educational service agency shall annually develop and submit to the  
 89 Department of Education for approval, with a copy to the Education Coordinating Council,  
 90 a regional plan for improvement of educational efficiency and cost effectiveness of its  
 91 member institutions. Each plan must include the purposes and description of the services  
 92 the regional educational service agency will provide to schools identified as  
 93 low-performing based on the indicators adopted under Code Section 20-14-33 and to other  
 94 schools.

95 (b) ~~By July 1, 2002, each~~ Each regional educational service agency shall introduce and  
 96 provide core services for member local school systems and schools and provide core  
 97 services for purchase by local school systems and schools which are not members of that  
 98 regional educational service agency. These core services shall include the following:

- 99 (1) Training and assistance in teaching each subject area assessed under Code  
100 Section 20-2-281;
- 101 (2) Assistance specifically designed for any school that is rated academically failing  
102 under Code Section 20-14-33;
- 103 (3) Training and assistance to teachers, administrators, members of local boards of  
104 education, and members of local school councils on school-based decision making and  
105 control; and
- 106 (4) Assistance in complying with applicable state laws and rules of the State Board of  
107 Education and the Education Coordinating Council.

108 Nothing in this Code section shall be construed to limit the freedom of a school system or  
109 school to purchase or refuse to purchase any core service from any regional educational  
110 service agency in this state.

111 (c) As part of the assistance provided by a regional educational service agency under this  
112 Code section, each regional educational service agency shall provide for the establishment  
113 of instructional care teams. Upon determining that a school under its management and  
114 control is consistently underperforming or is otherwise educationally deficient, a local  
115 board of education or state charter school may request through a regional educational  
116 service agency the appointment of an instructional care team for that school. The  
117 instructional care team shall consist of such number of persons with such experience as a  
118 principal, teacher, or other education personnel so as to best address the needs of the  
119 school. Such instructional care team shall conduct an investigation into such aspects of  
120 instruction at the school as requested by the local board or state charter school, prepare a  
121 written evaluation of such aspects of the school, and make nonbinding recommendations  
122 to the local board or state charter school regarding improvements at the school. Such  
123 investigations, evaluations, and recommendations shall focus on, but not be limited to,  
124 instruction in mathematics, science, reading and other English courses, and social studies.  
125 Instructional care teams may also provide long-term and short-term follow-up assistance,  
126 such as but not limited to instruction, instructional assistance, and professional and staff  
127 development. Each regional educational service agency shall develop a registry or listing  
128 of potential instructional care team members, together with their areas of expertise, who  
129 may be available to member or nonmember local school systems and state charter schools  
130 for service on instructional care teams. Each regional educational service agency shall  
131 promulgate rules and regulations for the purchase of the services of an instructional care  
132 team, provided that nothing in this Code section shall prevent regional educational service  
133 agencies from entering into cooperative arrangements for the mutual exchange of such  
134 services. Subject to appropriation by the General Assembly, regional educational service

135 agencies may be provided grants for the purpose of facilitating the development and  
136 implementation of instructional care teams.

137 (d) Each regional educational service agency may provide any additional service and any  
138 assistance to its member systems and state charter schools, as determined by the board of  
139 control. Each regional educational service agency may offer any service and form of  
140 assistance provided for in this Code section for purchase by any local school system or  
141 school in this state or state charter school.

142 (e) Pursuant to rules and regulations developed by the Professional Standards Commission,  
143 each regional educational service agency shall develop programs for nontraditional  
144 alternative routes to state teacher certification as an alternative to traditional educator  
145 preparation, with special consideration provided to critical field shortages in its regional  
146 teaching ~~work force~~ workforce.

147 (f) Each regional educational service agency may acquire, lease, purchase, lease purchase,  
148 or dispose of real or personal property and may incur debts for those purposes, subject to  
149 the approval of such agency's board of control. Such property shall be held in the name of  
150 the regional educational service agency."

151 **SECTION 4.**

152 Said title is further amended by revising Code Section 20-2-272, relating to agency board of  
153 control, membership, powers and duties, and planning boards, as follows:

154 "20-2-272.

155 (a) Each regional educational service agency shall be governed by a board of control. On  
156 and after July 1, 2000, the school superintendent of each member school system, the  
157 president or highest administrator of each member postsecondary institution, and a local  
158 public or regional library director appointed by the director of the Office of Public Library  
159 Services of the Board of Regents of the University System of Georgia shall serve as the  
160 board of control.

161 (b) All laws and the policies and regulations of the State Board of Education applicable  
162 to local school systems and local boards of education shall be applicable, when appropriate,  
163 to the regional educational service agencies and their boards of control unless explicitly  
164 stated otherwise in this part. No board of control shall levy or collect any taxes. No board  
165 of control shall expend or contract to expend any funds beyond the amount of funds that  
166 the board of control is legally authorized to receive and will, in fact, receive, except as  
167 otherwise provided in this part. Each board of control shall submit an annual report and  
168 an annual budget to the state board, in the manner prescribed by the state board, for review  
169 and approval.

170 (c) The State Board of Education shall be responsible for assuring that the activities of  
 171 each regional educational service agency and its board of control established under this part  
 172 conform to both the Constitution and laws of Georgia, as well as the policies and  
 173 regulations of the state board.

174 (d) Boards of control shall determine the assistance needed by local school systems and  
 175 state charter schools in the area served by each regional educational service agency,  
 176 establish priorities from those needs, and allocate resources accordingly. Boards of control  
 177 shall annually review the effectiveness and efficiency of such agencies. Boards of control  
 178 shall determine the procedures and activities by which each regional educational service  
 179 agency achieves locally established objectives and shall establish job descriptions,  
 180 personnel qualifications, and work schedules consistent with locally established priorities  
 181 and objectives.

182 (e) In the event the State Board of Education adopts a policy to reorganize the service  
 183 areas of regional educational service agencies pursuant to Code Section 20-2-270 effective  
 184 July 1 of a fiscal year, members of boards of control during the preceding fiscal year shall  
 185 constitute planning boards for the respective service areas to be established the ensuing  
 186 July 1. Each planning board shall have the authority to establish the location or locations  
 187 of the office or offices of its regional educational service agency effective the ensuing  
 188 July 1, to issue contracts with a director and other agency staff to be employed effective  
 189 the ensuing fiscal year, to assess the needs of all potential member local school systems and  
 190 state charter schools, to prepare operational plans and budgets for the ensuing fiscal year,  
 191 to establish the manner by which the local share of the budget will be assessed to potential  
 192 member local school systems and state charter schools, and to make any other such  
 193 decisions that the state board deems necessary for an orderly transition of service areas for  
 194 regional educational service agencies. Such decisions shall be adopted by these planning  
 195 boards prior to December 15 of the fiscal year preceding the effective date for  
 196 reorganization of the service areas. Any such planning board shall be authorized to amend,  
 197 prior to April 15 of that fiscal year, any such decisions which are necessary as the result of  
 198 the actions of the General Assembly during its regular session during that fiscal year."

199 **SECTION 5.**

200 Said title is further amended by revising Code Section 20-2-274, relating to uniform  
 201 state-wide needs program and documented local needs program grants, as follows:

202 "20-2-274.

203 (a) The state board shall be authorized to provide each regional educational service agency  
 204 with a uniform state-wide needs program grant and a documented local needs program  
 205 grant, subject to appropriation by the General Assembly. The uniform state-wide needs

206 program grant shall consist of two components: the same fixed amount for each regional  
207 educational service agency; and an amount which reflects the number of local school  
208 systems, the number of schools, the number of students, and the number of square miles  
209 contained collectively within its member local school systems and state charter schools.  
210 Each regional educational service agency shall be required to match the uniform state-wide  
211 needs program grant with an amount of funds equal to one-fourth of this grant. The  
212 uniform state-wide needs grant and its matching local funds shall be used to finance the  
213 basic administrative overhead of the regional educational service agencies and to provide  
214 the areas of assistance specified in Code Sections 20-2-270.1 and 20-2-271. The amount  
215 of funds granted to each regional educational service agency for the documented local  
216 needs program grant shall depend upon the proportion that the number of local school  
217 systems, number of schools, number of students, and number of square miles contained  
218 collectively within its member local school systems and state charter schools are of these  
219 respective factors state wide, as well as the adopted operational plan and the budget  
220 designed to address documented needs for assistance to member local school systems and  
221 state charter schools. Each regional educational service agency shall be required to match  
222 the documented local needs program grant with an amount of funds equal to two-thirds of  
223 that grant. The state board shall provide grants to regional educational service agencies for  
224 Georgia Learning Resources Systems or to a local school system contracted to be a fiscal  
225 agent for a Georgia Learning Resources System. Each board of control shall be authorized  
226 to adopt the manner by which each member local school system and state charter school  
227 shall be assessed its share of the uniform state-wide needs program and the documented  
228 local needs program; provided, however, that member local school systems and state  
229 charter schools shall not be allowed to use funds received under the provisions of this  
230 article for this purpose. The state board shall grant the regional educational service agency  
231 the funds needed to provide services to all local school systems and state charter schools  
232 in the service area of the Georgia Learning Resources System designated as the fiscal agent  
233 or to any local school system contracted to serve as the fiscal agent for a Georgia Learning  
234 Resource System as well as the grants authorized previously by this subsection. All other  
235 financing will be based on contracts to supply service programs to member local school  
236 systems and state charter schools. The funds for these programs, upon a contract approval  
237 basis, may be derived from local, state, federal, or private sources.

238 (b) A regional educational service agency may not receive directly from the State Board  
239 of Education any state funds originally intended for or directed to a local school system or  
240 state charter school by this article; provided, however, that, upon the official request of a  
241 local school system or state charter school, the state board may send directly to a regional  
242 educational service agency any funds allocated to a local school system or state charter

243 school. All grants from the state along with the contributions from member local school  
 244 systems or state charter schools and funds from other sources shall be budgeted by the  
 245 board of control other than those designated to local school systems designated as fiscal  
 246 agents for a Georgia Learning Resource System through contract with the State Board of  
 247 Education."

## 248 SECTION 6.

249 Said title is further amended by revising subsection (d) and by adding a new subsection to  
 250 Code Section 20-2-2068.1, relating to charter school funding, as follows:

251 "(d)(1) Effective July 1, 2012, except as otherwise provided in paragraph (2) of this  
 252 subsection, the department shall pay to each state chartered special school through  
 253 appropriation of state funds an amount equal to the sum of:

254 (A)(i) QBE formula earnings and QBE grants earned by the state chartered special  
 255 school based on the school's enrollment, school profile, and student characteristics.  
 256 For purposes of this subparagraph, the term 'QBE formula earnings' means funds  
 257 earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161,  
 258 including the portion of such funds that are calculated in accordance with Code  
 259 Section 20-2-164. QBE formula earnings shall include the salary portion of direct  
 260 instructional costs, the adjustment for training and experience, the nonsalary portion  
 261 of direct instructional costs, and earnings for psychologists and school social workers,  
 262 school administration, facility maintenance and operation, media centers, additional  
 263 days of instruction in accordance with Code Section 20-2-184.1, and staff  
 264 development, as determined by the department; and

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

268 (B) The state-wide average amount of the total revenues less federal revenues less state  
 269 revenues other than equalization grants per full-time equivalent for ~~the lowest five~~  
 270 ~~school systems ranked by assessed valuation per weighted full-time equivalent count,~~  
 271 ~~as determined by the department~~ all school systems; provided, however, that, if more  
 272 than 25 percent of the students enrolled in a state chartered special school not offering  
 273 virtual instruction reside in local school systems where the total state and local funding  
 274 per student is greater than 25 percent above the state-wide average of state and local  
 275 funding per student, the per student funding for those students pursuant to this  
 276 subparagraph shall be equal to the local funding per student in the local school system  
 277 in which those students reside, but in no event shall the total state and local funding per



278 student for the state chartered special school exceed 125 percent of the state-wide  
 279 average of state and local funding per student; and

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

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

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

288 (B) ~~The department may reduce the~~ amount of funds received pursuant to  
 289 subparagraph (C) of paragraph (1) of this subsection shall be equal to one-fourth of the  
 290 state-wide average total capital revenue per full-time equivalent if such school provides  
 291 computer hardware, software, and associated technical equipment required and  
 292 necessary for its students to participate in such virtual instruction; provided, however,  
 293 that the department may reduce such funds in proportion to the amount of virtual  
 294 instruction provided and based on factors that affect the cost of providing instruction.

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

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

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

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

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

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

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

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

323 "(i) For purposes of funding students enrolled in a local charter school in the first year of  
324 such school's operation, in the first year that an existing local charter school offers a new  
325 grade level, or in an upcoming year in which student growth in the existing local charter  
326 school is projected to exceed 2 percent if authorized by the charter, and prior to the initial  
327 student count, the state board shall calculate and the Department of Education shall  
328 distribute the funding for the local charter school on the basis of its projected enrollment  
329 according to an enrollment counting procedure or projection method stipulated in the terms  
330 of the charter. Such initial funding shall include the adjustments in each program for  
331 training and experience. No later than July 1 of each year, the state board shall notify the  
332 Department of Education and the Office of Planning and Budget of the funding estimates  
333 calculated pursuant to this subsection for any new local charter schools, any new grade  
334 levels offered by existing local charter schools, or any existing local charter schools with  
335 projected student growth exceeding 2 percent. After the initial student count during the  
336 first year of such local charter school's operation, newly offered grade level, or projected  
337 student growth exceeding 2 percent and in all years of operation thereafter, each local  
338 charter school's student enrollment shall be based on the actual enrollment in the current  
339 school year according to the most recent student count. Nothing in this Code section shall  
340 be construed to require the Department of Education to conduct more than two student  
341 counts per year."

342 **SECTION 7.**

343 Said title is further amended by revising Code Section 20-2-2089, relating to funding for  
344 state charter schools, as follows:

345 "20-2-2089.

346 (a)(1) The earnings for a student in a state charter school shall be equal to the earnings  
347 for any other student with similar student characteristics in a state charter school,  
348 regardless of the local school system in which the student resides or the school system  
349 in which the state charter school is located, and, except as otherwise provided in

350 paragraph (2) of this subsection, the department shall pay to each state charter school  
351 through appropriation of state funds an amount equal to the sum of:

352 (A)(i) QBE formula earnings and QBE grants earned by the state charter school  
353 based on the school's enrollment, school profile, and student characteristics. For  
354 purposes of this subparagraph, the term 'QBE formula earnings' means funds earned  
355 for the Quality Basic Education Formula pursuant to Code Section 20-2-161,  
356 including the portion of such funds that are calculated in accordance with Code  
357 Section 20-2-164. QBE formula earnings shall include the salary portion of direct  
358 instructional costs, the adjustment for training and experience, the nonsalary portion  
359 of direct instructional costs, and earnings for psychologists and school social workers,  
360 school administration, facility maintenance and operation, media centers, additional  
361 days of instruction in accordance with Code Section 20-2-184.1, and staff  
362 development, as determined by the department.

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

366 (B) The state-wide average amount of the total revenues less federal revenues less state  
367 revenues other than equalization grants per full-time equivalent for ~~the lowest five~~  
368 ~~school systems ranked by assessed valuation per weighted full-time equivalent count,~~  
369 ~~as determined by the department~~ all school systems; provided, however, that, if more  
370 than 25 percent of the students enrolled in a state charter school not offering virtual  
371 instruction reside in local school systems where the total state and local funding per  
372 student is greater than 25 percent above the state-wide average of state and local  
373 funding per student, the per student funding for those students pursuant to this  
374 subparagraph shall be equal to the local funding per student in the local school system  
375 in which those students reside, but in no event shall the total state and local funding per  
376 student for the state charter school exceed 125 percent of the state-wide average of state  
377 and local funding per student; and

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

380 (2) In the event that a state charter school offers virtual instruction:

381 (A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of  
382 this subsection shall be equal to two-thirds of such calculated amount; provided,  
383 however, that this two-thirds amount may be increased by any amount up to the  
384 originally calculated amount in the discretion of the commission if relevant factors  
385 warrant such increase; and

386 (B) The ~~commission may reduce the~~ amount of funds received pursuant to  
 387 subparagraph (C) of paragraph (1) of this subsection shall be equal to one-fourth of the  
 388 state-wide average total capital revenue per full-time equivalent if such school provides  
 389 computer hardware, software, and associated technical equipment required and  
 390 necessary for its students to participate in such virtual instruction; provided, however,  
 391 that the commission may reduce such funds in proportion to the amount of virtual  
 392 instruction provided and based on factors that affect the cost of providing instruction.

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

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

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

400 (b) The department may withhold up to 3 percent of the amount determined pursuant to  
 401 subsection (a) of this Code section for each state charter school for use in administering the  
 402 duties required pursuant to Code Section 20-2-2083; provided, however, that any amount  
 403 withheld pursuant to this subsection shall be spent solely on expenses incurred by the  
 404 commission in performing the duties required by this article.

405 (c) No deduction shall be made to any state funding which a local school system is  
 406 otherwise authorized to receive pursuant to this chapter as a direct result or consequence  
 407 of the enrollment in a state charter school of a specific student or students who reside in the  
 408 geographical area of the local school system.

409 (d) For purposes of funding students enrolled in a state charter school in the first year of  
 410 such school's operation, in or for the first year that an existing state charter school offers  
 411 a new grade level, or in an upcoming year in which student growth in the existing state  
 412 charter school is projected to exceed 2 percent if authorized by the charter, and prior to the  
 413 initial student count, the commission shall calculate and the department shall distribute the  
 414 funding for the state charter school on the basis of its projected enrollment according to an  
 415 enrollment counting procedure or projection method stipulated in the terms of the charter.  
 416 Such initial funding shall include the adjustments in each program for training and  
 417 experience. No later than July 1 of each year, the commission shall notify the department  
 418 and the Office of Planning and Budget of the funding estimates calculated pursuant to this  
 419 subsection for any new state charter schools, ~~and for~~ any new grade levels offered by  
 420 existing state charter schools, or any existing state charter schools with projected student  
 421 growth exceeding 2 percent. After the initial student count during the first year of such  
 422 state charter school's operation, ~~or~~ newly offered grade level, or projected student growth

423 exceeding 2 percent and in all years of operation thereafter, each state charter school's  
424 student enrollment shall be based on the actual enrollment in the current school year  
425 according to the most recent student count. Nothing in this Code section shall be construed  
426 to require the department to conduct more than two student counts per year.

427 (e) Funding for state charter schools pursuant to this Code section shall be subject to  
428 appropriations by the General Assembly and such schools shall be treated consistently with  
429 all other public schools in this state, pursuant to the respective statutory funding formulas  
430 and grants."

431

**SECTION 8.**

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