

Senate Bill 59

By: Senators Albers of the 56th, Payne of the 54th, Miller of the 49th, Gooch of the 51st, Hufstetler of the 52nd and others

AS PASSED SENATE

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 additional QBE funding for each
3 full-time equivalent student within a local charter school; to provide for a maximum amount
4 of such funding available to each local charter school; to provide for direct allocation of
5 appropriated funds to local charter schools by the State Board of Education; to provide an
6 additional opportunity for existing charter schools to elect to participate in a health insurance
7 plan for teachers and employees; to provide that certain employees of state charter schools
8 shall be included in the definition of "public school employee" for purposes of the health
9 insurance plan for public school employees; to provide for the allocation and distribution of
10 federal funds by local school systems to local charter schools; to require local boards of
11 education to provide local charter schools with educational facilities or a stipend to offset the
12 costs of educational facilities; to provide for the calculation of such stipend; to allow for the
13 stipend amount to exceed the calculated amount; to delete provisions relating to unused
14 facilities, including the definition of said term, the requirement that local boards of education
15 make unused educational facilities available to local charter schools, and the right of local
16 charter schools to appeal decisions of local boards of education relating to unused facilities;
17 to provide for multiple effective dates; to provide for related matters; to repeal conflicting
18 laws; to revise a definition; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
22 secondary education, is amended by revising Code Section 20-2-165.1, relating to charter
23 system earnings for each full-time equivalent student and use of funds, as follows:

24 "20-2-165.1.

25 In addition to the amounts earned by a charter system or a local charter school pursuant to
26 subsection (b) of Code Section 20-2-161, a charter system or a local charter school shall
27 earn 3.785 percent of the base amount established pursuant to subsection (a) of Code
28 Section 20-2-161 for each full-time equivalent student in each school within the charter
29 system or each full-time equivalent student within the local charter school; provided,
30 however, that no individual charter system or local charter school shall receive more than
31 \$4.5 million in a fiscal year. The State Board of Education shall directly allocate the
32 amount of appropriated funds calculated pursuant to this Code section to each local charter
33 school. Funds appropriated pursuant to this Code section shall be used in accordance with
34 recommendations of the school level governing body established by the charter or to
35 advance student achievement goals and school level governance training objectives
36 pursuant to the charter."

37 **SECTION 2.**

38 Said chapter is further amended in Code Section 20-2-880, relating to definitions regarding
39 health insurance plan for public school teachers, by revising paragraph (4) as follows:

40 "(4) 'Public school teacher,' 'teacher,' and 'employee' mean and include any person
41 employed not less than half time in a professionally certificated capacity or position in
42 the public school systems of this state. The terms also mean and include ~~'Public school~~
43 ~~teacher,' 'teacher,' and 'employee' also mean~~ librarians and other personnel employed not

44 less than 30 hours per week by regional and county libraries; ~~'Public school teacher,'~~
 45 ~~'teacher,' and 'employee' also mean~~ personnel employed by the high school program of
 46 Georgia Military College; and 'Public school teacher,' 'teacher,' and 'employee' also mean
 47 any professionally certificated person who has acquired ten years or more of creditable
 48 service and who is being paid retirement benefits by the Teachers Retirement System of
 49 Georgia, Chapter 3 of Title 47, or by any other public school teacher retirement system
 50 in this state. Such terms shall ~~'Public school teacher,' 'teacher,' and 'employee' also mean~~
 51 and include any person employed not less than half time and compensated in a
 52 professionally certificated capacity or position in a charter school in this state established
 53 pursuant to either Article 31 or Article 31A of this chapter if such charter school elects
 54 to participate in the health insurance plan established pursuant to this subpart upon initial
 55 approval of its charter or, if such charter school is an existing charter school, elects upon
 56 renewal of its charter, upon notice by the health insurance plan provided in this part, or
 57 upon the expiration of its current health care plan ~~or by no later than December 31, 2009,~~
 58 ~~to participate in the health insurance plan established pursuant to this subpart.~~ Such terms
 59 ~~'Public school teacher,' 'teacher,' and 'employee'~~ shall not be deemed to include any
 60 emergency or temporary employee. Notwithstanding this definition or any other
 61 provision of this subpart, the board may, by regulation, make available to employees who
 62 work 17 1/2 hours or more per week such benefits as are required to be made available
 63 to such employees by regulations of the United States Internal Revenue Service or any
 64 other federal authority."

65 **SECTION 3.**

66 Said chapter is further amended in Code Section 20-2-910, relating to definitions regarding
 67 health insurance plan for public school employees, by revising paragraph (3) as follows:

68 "(3) 'Public school employee' means an 'employee' as defined in paragraph (20) of Code
 69 Section 47-4-2. Such term ~~'Public school employee'~~ also means and includes classroom

70 aides, paraprofessionals, and noncertified administrative and clerical personnel. It is
 71 specifically provided, however, that ~~the such~~ term 'public school employee' shall not
 72 include any emergency or temporary employee or any other employee who works in a
 73 position otherwise covered by such term less than 60 percent of the time required to carry
 74 out the duties of such position. Such term also means and includes 'Public school
 75 ~~employee' also means~~ any person, other than an employee in a professionally certificated
 76 capacity or position, employed not less than half time and compensated in a charter
 77 school in this state established pursuant to either Article 31 or Article 31A of ~~Chapter 2~~
 78 ~~of Title 20 this chapter~~ if such charter school elects to participate in the health insurance
 79 plan established pursuant to this subpart upon initial approval of its charter or, if such
 80 charter school is an existing charter school, elects upon renewal of its charter, upon notice
 81 by the health insurance plan provided in this part, or upon the expiration of its current
 82 health care plan ~~to participate in the health insurance plan established pursuant to this~~
 83 ~~subpart~~. Notwithstanding this definition or any other provision of this subpart, the board
 84 may, by regulation, make available to employees who work 17 1/2 hours or more per
 85 week such benefits as are required to be made available to such employees by regulations
 86 of the United States Internal Revenue Service or any other federal authority."

87

SECTION 4.

88 Said chapter is further amended in Code Section 20-2-2068.1, relating to charter school
 89 funding, by revising subsection (c) as follows:

90 "(c) In addition to the earnings set out in subsection (b) of this Code section, local revenue
 91 shall be allocated to a local charter school on the same basis as for any local school in the
 92 local school system. In the case of a start-up charter school, local revenue earnings shall
 93 be calculated as follows:

94 (1) Determine the total amount of state and local five mill share funds earned by students
 95 enrolled in the local start-up charter school as calculated by the Quality Basic Education

96 Formula pursuant to Part 4 of Article 6 of this chapter including any funds for
97 psychologists and school social workers but excluding 5 percent of system-wide funds
98 for central administration and excluding any categorical grants not applicable to the
99 charter school;

100 (2) Determine the total amount of state and local five mill share funds earned by all
101 students in the public schools of the local school system, including any charter schools
102 that receive local revenue, as calculated by the Quality Basic Education Formula but
103 excluding categorical grants and other non-QBE formula grants;

104 (3) Divide the amount obtained in paragraph (1) of this subsection by the amount
105 obtained in paragraph (2) of this subsection; and

106 (4) Multiply the quotient obtained in paragraph (3) of this subsection by the school
107 system's local revenue.

108 The product obtained in paragraph (4) of this subsection shall be the amount of local funds
109 to be distributed to the local start-up charter school by the local board; provided, however,
110 that nothing in this subsection shall preclude a charter petitioner and a local board of
111 education from specifying in the charter a greater amount of local funds to be provided by
112 the local board to the local start-up charter school if agreed upon by all parties to the
113 charter. Local funds so earned shall be distributed to the local start-up charter school by
114 the local board. Where feasible and where services are provided, funds for construction
115 projects shall also be distributed to the local start-up charter school as earned. In all other
116 fiscal matters, including applicable federal allotments, the local board shall treat the local
117 start-up charter school no less favorably than other local schools located within the
118 applicable school system and shall calculate and distribute the funding for the start-up
119 charter school on the basis of its actual or projected enrollment in the current school year
120 according to an enrollment counting procedure or projection method stipulated in the terms
121 of the charter. ~~The Department of Education shall implement procedures that ensure that~~
122 ~~each local charter school receives from its local school system the~~ The local school system

123 shall distribute to each local charter school the proportionate amount of federal funds for
 124 which such local charter school is eligible under each federal program, including, but not
 125 limited to, funds earned pursuant to Title I, Title II, and Title III of the federal Elementary
 126 and Secondary Education Act and pursuant to the federal Individuals with Disabilities
 127 Education Act. The local school system shall distribute funds to a local start-up charter
 128 school; provided, however, that by agreement between the local school system and the
 129 local start-up charter school, the proportionate amount of federal funds for which the local
 130 start-up charter school is eligible may be provided through the provision of in-kind services
 131 by the local school system a local charter school and a local board of education may
 132 mutually collaborate and agree upon specific ways for some or all of the charter school's
 133 proportionate amount of federal funds to be provided by the local school system through
 134 in-kind services, with the terms of such mutual agreement to be included in the charter.
 135 Local charter schools shall use any federal funds received pursuant to this subsection for
 136 the purposes of the federal program for which they were earned."

137

SECTION 5.

138 Said chapter is further amended in Code Section 20-2-2068.2, relating to facilities grants for
 139 charter schools, purposes for which grants may be used, upkeep of charter school property,
 140 and availability of unused facilities, by revising subsection (h) as follows:

141 "(h)(1) Each local board of education shall make educational facilities, as defined in
 142 Code Section 20-2-260, available for use by local charter schools or provide a facility
 143 stipend to each local charter school to offset costs related to educational facilities. The
 144 amount of such stipend shall be calculated on an annual basis and shall equal an amount
 145 that is 20 percent of the local charter school's prior year facility costs; provided, however,
 146 that the facility stipend for a local charter school does not exceed \$25,000.00 per year.
 147 As used in this subsection, the term 'unused facilities' means real property of a local board
 148 of education, including educational facilities, as defined in Code Section 20-2-260, which

149 ~~have not been used by the local board of education for the previous two years and which~~
150 ~~are not included in the local school system's five-year educational facilities plan.~~

151 ~~(2) Each local board of education shall make its unused facilities available to local~~
152 ~~charter schools. The terms of the a local charter school's use of such a facility by the~~
153 ~~charter school owned by a local board of education shall be subject to negotiation~~
154 ~~between the local board and the local charter school and shall be memorialized as a~~
155 ~~separate agreement. A local charter school that is allowed to use such a facility under~~
156 ~~such an agreement shall not sell or dispose of any interest in such property without the~~
157 ~~written permission of the local board. A local charter school may not be charged a rental~~
158 ~~or leasing fee for the existing facility or for property normally used by the public school~~
159 ~~which became the local charter school. A local charter school that receives property from~~
160 ~~a local board may not sell or dispose of such property without the written permission of~~
161 ~~the local board.~~

162 ~~(3) A local charter school that declines the use of a facility offered by a local board of~~
163 ~~education shall not be eligible to receive a facility stipend as provided for in this~~
164 ~~subsection; provided, however, that the facility is offered by the local board of education~~
165 ~~to the local charter school at no cost, is maintained by the local school system, is located~~
166 ~~within the local charter school's designated geographic attendance zone, and~~
167 ~~accommodates the maximum enrollment number designated in the charter contract; and,~~
168 ~~provided further, that the local charter school has not purchased a facility as of July 1,~~
169 ~~2021.~~

170 ~~(3) Prior to denying the use by a local charter school of an unused facility, the local~~
171 ~~charter school shall have the right to a hearing before the local board of education in~~
172 ~~accordance with Code Section 20-2-1160, including the right to appeal an adverse local~~
173 ~~board decision.~~

174

SECTION 6.

175 (a) This Act shall become effective on July 1, 2021, except as otherwise provided in
176 subsection (b) of this section.

177 (b) Code Section 20-2-165.1, as amended by this Act, shall become effective on July 1,
178 2022.

179

SECTION 7.

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