

The House Committee on Education offers the following substitute to SB 59:

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; to provide for multiple
12 effective dates; to provide for related matters; to repeal conflicting laws; to revise a
13 definition; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

19 "20-2-165.1.

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

32 **SECTION 2.**

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

35 "(4) 'Public school teacher,' 'teacher,' and 'employee' mean and include any person
36 employed not less than half time in a professionally certificated capacity or position in
37 the public school systems of this state. The terms also mean and include ~~'Public school~~
38 ~~teacher,' 'teacher,' and 'employee' also mean~~ librarians and other personnel employed not
39 less than 30 hours per week by regional and county libraries; ~~'Public school teacher,'~~
40 ~~'teacher,' and 'employee' also mean~~ personnel employed by the high school program of

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

60

SECTION 3.

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

63 "(3) 'Public school employee' means an 'employee' as defined in paragraph (20) of Code
 64 Section 47-4-2. Such term ~~'Public school employee'~~ also means and includes classroom
 65 aides, paraprofessionals, and noncertified administrative and clerical personnel. It is
 66 specifically provided, however, that ~~the~~ such term ~~'public school employee'~~ shall not

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

82 **SECTION 4.**

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

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

89 (1) Determine the total amount of state and local five mill share funds earned by students
 90 enrolled in the local start-up charter school as calculated by the Quality Basic Education
 91 Formula pursuant to Part 4 of Article 6 of this chapter including any funds for
 92 psychologists and school social workers but excluding 5 percent of system-wide funds

93 for central administration and excluding any categorical grants not applicable to the
94 charter school;

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

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

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

103 The product obtained in paragraph (4) of this subsection shall be the amount of local funds
104 to be distributed to the local start-up charter school by the local board; provided, however,
105 that nothing in this subsection shall preclude a charter petitioner and a local board of
106 education from specifying in the charter a greater amount of local funds to be provided by
107 the local board to the local start-up charter school if agreed upon by all parties to the
108 charter. Local funds so earned shall be distributed to the local start-up charter school by
109 the local board. Where feasible and where services are provided, funds for construction
110 projects shall also be distributed to the local start-up charter school as earned. In all other
111 fiscal matters, including applicable federal allotments, the local board shall treat the local
112 start-up charter school no less favorably than other local schools located within the
113 applicable school system and shall calculate and distribute the funding for the start-up
114 charter school on the basis of its actual or projected enrollment in the current school year
115 according to an enrollment counting procedure or projection method stipulated in the terms
116 of the charter. ~~The Department of Education shall implement procedures that ensure that~~
117 ~~each local charter school receives from its local school system the~~ The local school system
118 shall distribute to each local charter school the proportionate amount of federal funds for
119 which such local charter school is eligible under each federal program, including, but not

120 limited to funds earned pursuant to Title I, Title II, and Title III of the federal Elementary
 121 and Secondary Education Act and pursuant to the federal Individuals with Disabilities
 122 Education Act. ~~The local school system shall distribute funds to a local start-up charter~~
 123 ~~school; provided, however, that by agreement between the local school system and the~~
 124 ~~local start-up charter school, the proportionate amount of federal funds for which the local~~
 125 ~~start-up charter school is eligible may be provided through the provision of in-kind services~~
 126 ~~by the local school system~~ a local charter school and a local board of education may
 127 mutually collaborate and agree upon specific ways for some or all of the charter school's
 128 proportionate amount of federal funds to be provided by the local school system through
 129 in-kind services, with the terms of such mutual agreement to be included in the charter.
 130 Local charter schools shall use any federal funds received pursuant to this subsection for
 131 the purposes of the federal program for which they were earned."

132

SECTION 5.

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

136 "(h)(1) As used in this subsection, the term 'unused facilities' means real property of a
 137 local board of education, including educational facilities, as defined in Code Section
 138 20-2-260, which have not been used by the local board of education for the previous two
 139 years and which are not included in the local school system's five-year educational
 140 facilities plan.

141 (2) Each local board of education shall make its unused facilities available to local
 142 charter schools. The terms of ~~the~~ a local charter school's use of ~~such~~ a facility ~~by the~~
 143 ~~charter school~~ owned by a local board of education shall be subject to negotiation
 144 between the local board and the local charter school and shall be memorialized as a
 145 separate agreement. A local charter school that is allowed to use such a facility under

146 such an agreement shall not sell or dispose of any interest in such property without the
147 written permission of the local board. A local charter school may not be charged a rental
148 or leasing fee for the existing facility or for property normally used by the public school
149 which became the local charter school. A local charter school that receives property from
150 a local board may not sell or dispose of such property without the written permission of
151 the local board.

152 (3) Prior to denying the use by a local charter school of an unused facility, the local
153 charter school shall have the right to a hearing before the local board of education in
154 accordance with Code Section 20-2-1160, including the right to appeal an adverse local
155 board decision."

156 **SECTION 6.**

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

159 (b) Code Section 20-2-165.1, as amended by this Act, shall become effective on July 1,
160 2022.

161 **SECTION 7.**

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