

Senate Bill 80

By: Senators Hufstetler of the 52nd, James of the 35th and Millar of the 40th

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 revise various provisions relating to funding
3 for state charter schools and virtual charter schools; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
8 secondary education, is amended by revising subsection (b.1) of Code Section 20-2-161,
9 relating to the Quality Basic Education Formula, as follows:

10 "(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the
11 requirements of Code Section 20-2-290, beginning July 1, ~~2014~~ 2015, a ~~nonvirtual~~ middle
12 school shall have the funding weight included in paragraph (8) of subsection (b) of this
13 Code section for the middle school program, regardless of whether such middle school
14 meets the requirements of Code Section 20-2-290."

15 **SECTION 2.**

16 Said chapter is further amended by revising subsection (c) of Code Section 20-2-290, relating
17 to organization of schools, the middle school program, and scheduling, as follows:

18 "(c) Local school systems ~~shall~~ and state charter schools, including virtual charter schools,
19 that comply with subsection (b) of this Code section ~~in order to~~ shall qualify for the middle
20 school program."

21 **SECTION 3.**

22 Said chapter is further amended by revising subsection (a) of Code Section 20-2-2089,
23 relating to funding for state charter schools, as follows:

24 "(a)(1) The earnings for a student in a state charter school shall be equal to the earnings
25 for any other student with similar student characteristics in a state charter school,

26 regardless of the local school system in which the student resides or the school system
 27 in which the state charter school is located, and, except as otherwise provided in
 28 paragraph (2) of this subsection, the department shall pay to each state charter school
 29 through appropriation of state funds an amount equal to the sum of:

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

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

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

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

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

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

56 (B) The commission may reduce the amount of funds received pursuant to
 57 subparagraph (C) of paragraph (1) of this subsection ~~in proportion to the amount of~~
 58 ~~virtual instruction provided and based on factors that affect the cost of providing~~
 59 instruction on a proportional basis if the school fails to provide documentation
 60 confirming its capital expenditures per full-time equivalent are greater than or equal to
 61 the state-wide average.

62 (3) Any funds deducted from a state charter school pursuant to Code Section 20-2-164,
63 representing the equivalent of a local school system's five mill share, shall be calculated
64 based only on funds received pursuant to subparagraph (B) of paragraph (1) of this
65 subsection. For a state charter school that offers virtual instruction, the amount of the
66 deduction shall be reduced by one-third, unless the commission has increased the school's
67 calculated amount pursuant to subparagraph (A) of paragraph (2) of this subsection, in
68 which case the deduction shall be proportionate to the amount of funding received.

69 ~~(3)~~(4) For purposes of this subsection, the terms:

70 (A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax
71 digest reduced by the amount calculated pursuant to subsection (g) of Code Section
72 20-2-164.

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

76 **SECTION 4.**

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