

House Bill 456

By: Representatives Bell of the 58th, Oliver of the 82nd, Abrams of the 89th, Hugley of the 136th, Fludd of the 64th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to
2 student scholarship organizations, so as to prohibit discrimination by any qualified school
3 or program or student scholarship organization; 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 style="text-align:center">**SECTION 1.**

7 Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student
8 scholarship organizations, is amended by revising Code Section 20-2A-1, relating to
9 definitions, as follows:

10 "20-2A-1.

11 As used in this chapter, the term:

12 (1) 'Eligible student' means a student who is a Georgia resident enrolled in a Georgia
13 secondary or primary public school or eligible to enroll in a qualified first grade,
14 kindergarten program, or pre-kindergarten program; provided, however, that if a student
15 is deemed an eligible student pursuant to this paragraph, he or she shall continue to
16 qualify as such until he or she graduates, reaches the age of 20, or returns to a public
17 school, whichever occurs first.

18 (2) 'Qualified school or program' means a nonpublic pre-kindergarten program, primary
19 school, or secondary school that:

20 (A) Is accredited or in the process of becoming accredited by one or more entities
21 listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519; ~~and~~

22 (B) Is located in this state; ~~and~~

23 ~~(C) Adheres~~ adheres to the provisions of the federal Civil Rights Act of 1964; ~~and~~

24 ~~(D) Does not discriminate in hiring or admission on the basis of actual or perceived~~
25 race, color, religion, national origin, sex, gender, gender identity as defined in 18
26 U.S.C. Section 249(c)(4), sexual orientation, or disability; and

- 27 (E) Satisfies ~~satisfies~~ the requirements prescribed by law for private schools in this
 28 state.
- 29 (3) 'Student scholarship organization' means a charitable organization in this state that:
- 30 (A) Is exempt from federal income taxation under Section 501(c)(3) of the Internal
 31 Revenue Code and obligates for scholarships or tuition grants at least 90 percent of its
 32 annual revenue received from donations for scholarships or tuition grants to allow
 33 students to attend any qualified school or program of their parents' choice; and
- 34 (B) Provides educational scholarships or tuition grants to eligible students without
 35 limiting availability to only students of one school."

36 SECTION 2.

37 Said chapter is further amended by revising Code Section 20-2A-2, relating to requirements
 38 for student scholarship organizations, as follows:

39 "20-2A-2.

40 (a) Each student scholarship organization:

- 41 (1) ~~Must~~ Shall obligate for scholarships or tuition grants at least 90 percent of its annual
 42 revenue received from donations for scholarships or tuition grants; however, up to 25
 43 percent of this amount may be carried forward for the next fiscal year. The maximum
 44 scholarship amount given by the student scholarship organization in any given year shall
 45 not exceed the average state and local expenditures per student in fall enrollment in
 46 public elementary and secondary education for this state. The Department of Education
 47 shall determine and publish such amount annually, no later than January 1;
- 48 (2) ~~Must~~ Shall maintain separate accounts for scholarship funds and operating funds;
- 49 (3) ~~Must~~ Shall have an independent board of directors with at least three members;
- 50 (4) May transfer funds to another student scholarship organization;
- 51 (5) ~~Must~~ Shall conduct an audit of its accounts by an independent certified public
 52 accountant within 120 days after the completion of the student scholarship organization's
 53 fiscal year verifying that it obligated for scholarships or tuition grants at least 90 percent
 54 of its annual revenue received from donations for scholarships or tuition grants and
 55 provide such audit to the Department of Revenue in accordance with Code Section
 56 20-2A-3; and
- 57 (6) ~~Must~~ Shall annually submit notice to the Department of Education in accordance with
 58 department guidelines of its participation as a student scholarship organization under this
 59 chapter.
- 60 (b) A student scholarship organization shall not award any scholarship or tuition grant
 61 pursuant to this chapter to any eligible student for use in any qualified school or program
 62 that discriminates in hiring or admission on the basis of actual or perceived race, color,

63 religion, national origin, sex, gender, gender identity as defined in 18 U.S.C. Section
64 249(c)(4), sexual orientation, or disability."

65 **SECTION 3.**

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