

House Bill 579

By: Representatives Barrett of the 24<sup>th</sup>, Jones of the 25<sup>th</sup>, Hilton of the 48<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Jones of the 47<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to the Georgia Special Needs Scholarship Act, so as to revise the prior school year  
3 requirement; to revise provisions for expedited completion of a student's first Individualized  
4 Education Program; to revise the requirement that students who previously qualified for the  
5 scholarship have an Individualized Education Program or Section 504 plan; to provide for  
6 calculating maximum scholarship amounts for certain students; to provide for deadlines by  
7 which the Department of Education shall publish certain information; to provide for  
8 conforming changes; to provide for related matters; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the  
13 Georgia Special Needs Scholarship Act, is amended by revising subsection (a) of Code  
14 Section 20-2-2114, relating to qualifications for scholarship, financial responsibility,  
15 state-wide assessments, exception, and compliance, as follows:

16 "(a) A student shall qualify for a scholarship under this article if:

17 (1) The student's parent currently resides within Georgia and has been a Georgia resident  
18 for at least one year; provided, however, that the one-year requirement shall not apply if  
19 the student's parent is an active duty military service member stationed in Georgia within  
20 the previous year;

21 (2) The student has spent the prior school year in attendance at a Georgia public school  
22 or received preschool special education or related services pursuant to Section 619 of  
23 Part B of the federal Individuals with Disabilities Education Act; provided, however, that  
24 this requirement shall not apply if:

25 (A) The student's parent is an active duty military service member stationed in Georgia  
26 within the previous year;

27 (B) The student has been adopted or placed in a permanent guardianship from foster  
28 care pursuant to an order issued by a court of competent jurisdiction within the previous  
29 year;

30 (C) The student previously qualified for a scholarship pursuant to this article; or

31 (D) ~~The scholarship application is made for the 2021-2022 school year on behalf of a~~  
32 ~~student who was enrolled in a Georgia public school at the time of at least one count~~  
33 ~~provided for in Code Section 20-2-160 during either the 2019-2020 or 2020-2021~~  
34 ~~school years; The requirement is waived by the State Board of Education pursuant to~~  
35 ~~subparagraph (A) of paragraph (3) of this subsection;~~

36 (3)(A) The student has an Individualized Education Program (IEP) written in  
37 accordance with federal and state laws and regulations; provided, however, that the  
38 State Board of Education shall be authorized to require a local board of education to  
39 expedite the development of an Individualized Education Program for a student who  
40 has never had an Individualized Education Program or whose previous Individualized  
41 Education Program has expired and to waive the prior school year requirement  
42 contained in paragraph (2) of this subsection, in its sole discretion, on a case-by-case  
43 basis for specific medical or behavioral needs of the student upon the request of a

44 parent or guardian in accordance with state board procedures. If an expedited  
45 Individualized Education Program is required by the state board pursuant to this  
46 subparagraph, the state board may additionally require such expedited process to be  
47 completed prior to the beginning of the immediately upcoming school year. The State  
48 Board of Education shall provide an annual report by December 31 of each year  
49 regarding the number of waivers approved pursuant to this ~~paragraph~~ subparagraph to  
50 the General Assembly; ~~or~~

51 (B)(i) The student has a Section 504 Plan relating to one or more conditions that are  
52 included among the conditions which shall be identified by the State Board of  
53 Education for the purposes of this Code section and which shall, at a minimum,  
54 include the following:

- 55 (I) Attention deficit hyperactivity disorder (ADHD);
- 56 (II) Autism spectrum disorder;
- 57 (III) Bipolar disorder;
- 58 (IV) Cancer;
- 59 (V) Cerebral palsy;
- 60 (VI) Cystic fibrosis;
- 61 (VII) Deafness;
- 62 (VIII) Down syndrome;
- 63 (IX) Drug or alcohol abuse;
- 64 (X) Dual sensory impairment;
- 65 (XI) Dyslexia;
- 66 (XII) Emotional or behavioral disorder;
- 67 (XIII) Epilepsy;
- 68 (XIV) Hearing impairment;
- 69 (XV) Intellectual disability;
- 70 (XVI) Muscular dystrophy;

- 71 (XVII) Specific learning disability;
- 72 (XVIII) Spina bifida;
- 73 (XIX) Traumatic brain injury;
- 74 (XX) Visual impairment; or
- 75 (XXI) Any rare disease identified by the National Institutes of Health's Genetic and  
76 Rare Diseases Information Center's list of rare disease disorders.
- 77 (ii) The State Board of Education shall adopt rules to provide for the verification that  
78 a student who qualifies for this scholarship through a Section 504 Plan has met the  
79 eligibility requirements; or
- 80 (C) The student previously qualified for a scholarship pursuant to this article.
- 81 (4) The parent obtains acceptance for admission of the student to a participating school;  
82 and
- 83 ~~(5) The parent submits an application for a scholarship to the department no later than~~  
84 ~~the deadline established by the department; provided, however, that the department shall~~  
85 define an initial enrollment period at the beginning of each school year and shall establish  
86 periodic application enrollment deadlines during the school year, which shall occur no  
87 less frequently than on September 15, December 15, and February 15 of each school year,  
88 for a student to transfer."

89 **SECTION 2.**

90 Said article is further amended by revising subsections (a) and (f) of Code Section  
91 20-2-2116, relating to amount of scholarship and method of payments, as follows:

92 "(a) The maximum scholarship granted a scholarship student pursuant to this article shall  
93 be an amount equivalent to the costs of the educational program that would have been  
94 provided for the student in the resident school system as calculated under Code  
95 Section 20-2-161 and, if a scholarship student has an Individualized Education Program  
96 (IEP), based upon services specified in the Individualized Education Program in place at

97 the time of the most recent enrollment count, as described in Code Section 20-2-160;  
 98 provided, however, that in the case of a student whose first Individual Education Program  
 99 was expedited as provided for in subparagraph (a)(3)(A) of Code Section 20-2-2114 but  
 100 was not in effect at the time of the most recent enrollment count, the initial calculation of  
 101 the maximum scholarship amount shall be based upon services specified in the  
 102 Individualized Education Program in place at the time such Individualized Education  
 103 Program takes effect. Such initial calculation shall be revised based upon services  
 104 specified in the Individualized Education Program in place at the time of the next  
 105 enrollment count. This shall not include any federal funds."

106 "(f) Payment to the parents must be made by individual warrant made payable to the  
 107 student's parent ~~and mailed by the department to the participating school of the parent's~~  
 108 ~~choice~~, and the parent shall restrictively endorse the warrant to the participating school for  
 109 deposit into the account of such school. The department shall electronically deposit  
 110 payments that have been restrictively endorsed by parents into the account of such school."

111 **SECTION 3.**

112 Said article is further amended by revising subsections (a) and (b) of Code  
 113 Section 20-2-2117, relating to adoption and promulgation of rules, immunity from liability  
 114 for scholarship decisions, and schools barred from program participation for certain actions,  
 115 as follows:

116 "(a) The board shall adopt rules to administer the program regarding student eligibility,  
 117 eligibility and participation of participating schools, including, but not limited to, timelines  
 118 that will maximize student and public and private school participation, the calculation and  
 119 distribution of scholarships to eligible students and participating schools, and the  
 120 application and approval procedures for eligible students and participating schools, the  
 121 transparency of the program, and ensuring public awareness of the program and its impacts.  
 122 ~~The department shall develop and utilize a compliance form for completion by~~

123 ~~participating schools. The department shall be authorized to require any pertinent~~  
124 ~~information as it deems necessary from participating schools for the purpose of~~  
125 ~~implementing the program. Participating schools shall be required to complete such forms~~  
126 ~~and certify their accuracy.~~

127 (b)(1) ~~The board shall adopt rules to administer the program regarding student eligibility,~~  
128 ~~transparency, and awareness of the impact of the program., including, but not limited to,~~  
129 ~~the following: The department shall develop and utilize a compliance form for~~  
130 ~~completion by participating schools. The department shall be authorized to require any~~  
131 ~~pertinent information as it deems necessary from participating schools for the purpose of~~  
132 ~~implementing the program. Participating schools shall be required to complete such~~  
133 ~~forms and certify their accuracy.~~

134 ~~(1)(2)~~ The department shall conduct an annual survey of participating parents'  
135 satisfaction with the program, their satisfaction with the private school, and their  
136 likelihood of recommending the program. Survey results shall be collected using only  
137 numerical measures and made publicly available in the annual report provided for in  
138 Code Section 20-2-2118; ~~and,~~

139 ~~(2)(3)~~ The department shall post on its publicly accessible website the basic unit cost for  
140 general instructional programs as a minimum estimate for scholarship amounts. Within  
141 30 days of the final enrollment count each school year provided for in subsection (a) of  
142 Code Section 20-2-160, the department shall provide the parents of scholarship students  
143 estimated scholarship amounts. Each year, by the earlier of June 15 or within 45  
144 calendar days of the adoption of the general appropriations bill by the General Assembly,  
145 the ~~The~~ department shall provide parents of scholarship students the actual scholarship  
146 amounts ~~upon appropriation of state funds to the department for disbursement.~~ Within  
147 30 calendar days of receipt of the actual scholarship amount, a parent of a scholarship  
148 student who believes that such student's program weights have been incorrectly reported  
149 by the local school system, including, but not limited to, services or segments that are

150 included in the student's Individualized Education Program but were not recorded as part  
151 of such final enrollment count, may make a request in writing to the department for a  
152 review of the accuracy of the local school system's reported program weights. The  
153 department shall provide a written response within 30 days of receipt of the parent's  
154 written request."

155 **SECTION 4.**

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