

Senate Bill 124

By: Senators Still of the 48th, Dolezal of the 27th, Payne of the 54th, Anavitarte of the 31st, Kennedy of the 18th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 require the State School Superintendent and the Department of Education to take all steps
3 reasonably necessary to implement guidance documents from a federal agency, including,
4 but not limited to, directives related to expanding educational freedom and opportunities for
5 families; to authorize the State Board of Education to adopt rules; to provide for definitions;
6 to make promise scholarship accounts available to all students whose parent is an active duty
7 military service member stationed in Georgia, regardless of the school attendance zone in
8 which such students reside; to provide for continued eligibility; to provide for related
9 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
13 Article 2 of Chapter 2, relating to the State School Superintendent, by revising Code Section
14 20-2-37, which is reserved, as follows:

15 "20-2-37.

16 (a) As used in this Code section, the term:

17 (1) 'Federal agency' means the United States Department of Education or any other
18 agency, as such term is defined in 44 U.S.C. Section 3502.

19 (2) 'Guidance document' means any statement of general applicability issued by a federal
20 agency or by an official of such federal agency that sets forth a policy on a statutory,
21 regulatory, or technical issue or an interpretation of a statutory or regulatory issue;
22 provided, however, that such term shall not include a rule or other regulatory action that
23 has the force and effect of law promulgated in accordance with the notice and comment
24 rule-making requirements of the federal Administrative Procedure Act. Such term shall
25 include, but shall not be limited to, advisories, announcements, bulletins, circulars,
26 directives, letters, manuals, memoranda, notices, policy statements, and media, news, and
27 press releases. Such term shall encompass all guidance materials, regardless of format,
28 and shall include, but shall not be limited to, audio files and recordings; documents in
29 digital, electronic, or hard copy format; video files and recordings; internet posts; and
30 software applications. Such term shall be construed broadly to effectuate the purpose and
31 intent of this Code section.

32 (b) The State School Superintendent and the Department of Education shall take all steps
33 reasonably necessary to implement guidance documents from a federal agency, including,
34 but not limited to, directives related to expanding educational freedom and opportunities
35 for families.

36 (c) The State Board of Education shall be authorized to adopt rules as necessary to
37 implement the requirements of this Code section. Reserved."

38 **SECTION 2.**

39 Said title is further amended in Article 2 of Chapter 2B, relating to promise scholarship
40 accounts, by adding a new Code section to read as follows:

41 "20-2B-22.1.
42 Notwithstanding any provision of paragraph (3) of subsection (a) of Code Section
43 20-2B-22 or any other provision of law to the contrary, each student whose parent is an
44 active duty military service member stationed in Georgia shall qualify for a promise
45 scholarship account and, provided that such student resides in Georgia, shall continue to
46 be eligible to receive account funds until such student returns to a public school, graduates
47 from high school, or reaches the age of 20 years, or for special education students, reaches
48 the age of 21 years."

49 **SECTION 3.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
51 without such approval.

52 **SECTION 4.**

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