

House Bill 70

By: Representatives Irvin of the 45th and Ashe of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 14 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to educational grants, so as to provide for a program of public tuition assistance at
3 nonpublic schools for eligible students of certain public school systems; to provide for
4 legislative findings; to provide for definitions; to provide for an application process; to
5 provide for approved schools; to provide for eligibility of students; to provide for amounts
6 of scholarships; to provide for policies and restrictions relative to the foregoing; to provide
7 for review and an annual report; to provide that certain fraudulent conduct shall constitute
8 a misdemeanor; to provide for related matters; to provide for an effective date; to provide for
9 automatic repeal; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 14 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
13 educational grants, is amended by striking said article in its entirety and inserting in lieu
14 thereof a new Article 14 to read as follows:

15 "ARTICLE 14

16 20-2-640.

17 The General Assembly finds that the facilities of private elementary and secondary schools
18 located within the state can be used more effectively in the public interest by the grant of
19 financial assistance to citizens who choose to have their children attend such schools and
20 that the provision of such assistance will reduce the costs to the taxpayers of the state
21 below the cost of providing similar instruction to such children within the public
22 elementary and secondary schools located within the state. The purpose of the General
23 Assembly, as provided for in this article, is to establish a pilot program to enable the State
24 School Superintendent to provide tuition equalization grant assistance to citizens who

1 choose to have their children attend such private elementary and secondary schools located
2 within the state.

3 20-2-641.

4 As used in this article, the term:

5 (1) 'Approved school' means an educational entity located within this state and meeting the
6 criteria or requirements of subsection (b) of Code Section 20-2-690 which has admission
7 policies which do not discriminate on the basis of race, ethnicity, or national origin and
8 which elects to participate in the program enacted by this article.

9 (2) 'Eligible student' means every child between the ages of five and 14 years residing in
10 this state:

11 (A) Who has not finished or graduated from eighth grade and who is otherwise eligible
12 and qualified to attend the elementary and secondary public schools of any local school
13 system which:

14 (i) Had a system rank below the forty-fifth percentile in school year 1999-2000 on
15 the Iowa Test of Basic Skills Grade 8 Mathematics Test and had a system rank below
16 the fortieth percentile in school year 1999-2000 on the Iowa Test of Basic Skills
17 Grade 8 Reading Test; and

18 (ii) Had a system average total score in school year 1999-2000 on the Scholastic
19 Aptitude Test of 760 or below;

20 (B) Who has attended such local school system during the previous school year,
21 received a scholarship under this article for the previous school year, or was unqualified
22 and ineligible to attend such local school system during the previous school year;

23 (C) Whose natural or adoptive parent or parents, legal guardian, or other person or
24 persons standing in loco parentis to or having legal custody of such student had gross
25 household income of \$40,000.00 or less during the previous school year; and

26 (D) Who has been admitted to an approved school for the upcoming school year.

27 (3) 'School year' means the equivalent of 180 days of education each 12 months with
28 each school day consisting of at least four and one-half school hours.

29 (4) 'Superintendent' means the State School Superintendent.

30 20-2-642.

31 (a) Each eligible student may apply for a tuition equalization scholarship each school year
32 from such funds as are appropriated for the purposes of this article by the General
33 Assembly and such funds as may be donated pursuant to subsection (c) of this Code
34 section. No scholarship shall be made to a student unless at least 25 percent of the tuition
35 for the school year at the approved school enrolling the eligible student is paid from

1 sources other than funds available under this article. No scholarship shall be made to a
2 student for study during the period of any summer school quarter or semester unless
3 specifically authorized in appropriations Acts of the General Assembly. No scholarship
4 shall be made to any student not enrolled as a full-time student.

5 (b) Sums appropriated for the purposes set forth in this article shall be from general
6 revenues available to the state and shall not be subtracted, offset, or otherwise removed
7 from funds otherwise appropriated to or designated for public education in this state
8 generally or in the public school systems which eligible students would otherwise attend.
9 Notwithstanding any other provision of law, each eligible student shall be counted as a
10 full-time equivalent student in the programs of the local public school system in which that
11 student is eligible and qualified to attend, under such regulations and criteria as the
12 Superintendent may establish to ensure an objective and true count, for purposes of
13 determination of funds needed to finance the programs of that system.

14 (c) The Superintendent is authorized to establish a trust account at a financial institution
15 which has been designated by law as a depository for the funds of the state, to receive and
16 deposit in such trust account private donations made for the accomplishment of the
17 purposes of this article, and to disburse funds held in such trust account solely for the
18 purpose of providing scholarships as set forth in this article. In the event of the repeal of
19 this article, all sums remaining in such trust account shall be utilized by the Superintendent
20 for the support of the Quality Basic Education Program established by Article 6 of this
21 chapter.

22 20-2-643.

23 Each eligible student wishing to receive payment of the scholarship provided for in this
24 article shall annually submit to the approved school an application for the scholarship
25 payment at the time and in accordance with procedures prescribed by the Superintendent.
26 The Superintendent is authorized to define such terms and prescribe such rules, regulations,
27 and procedures as may be reasonable and necessary to carry out the purposes of this article.
28 The Superintendent shall not approve payment of any scholarship until he or she has
29 received from an appropriate officer of the approved school a certification that the student
30 applying for the scholarship is an eligible student. Upon timely receipt of such certification,
31 in proper form, the Superintendent is authorized to pay the scholarship to the approved
32 school on behalf of and to the credit of the student. In the event a student on whose behalf
33 a scholarship is paid shall not enroll as a full-time student for the school year for which the
34 scholarship is paid, the school shall make a refund to the Superintendent in accordance with
35 regulations of the Superintendent.

1 20-2-644.

2 The amount of any scholarship paid under this article shall not exceed the lesser of
3 \$2,500.00 or 75 percent of tuition for the school year at the approved school enrolling the
4 eligible student. In the event funds available to the Superintendent are not sufficient to
5 enable the Superintendent to pay on behalf of each eligible student receiving a scholarship
6 the greatest amount permissible under this Code section, all scholarships shall be reduced
7 by the Superintendent on a pro rata basis.

8 20-2-645.

9 (a) Every approved school shall be subject to examination by the state auditor for the sole
10 purpose of determining whether such school has properly certified eligibility and
11 enrollment of students and credited scholarships paid on behalf of such students. However,
12 nothing in this article shall be construed to interfere with the authority of such school to
13 determine admissibility of students or to control its own curriculum, philosophy, purpose,
14 or administration, provided that such school shall otherwise meet the definition of an
15 approved school as set forth in this article. In the event it is determined that an approved
16 school knowingly or through error certified an ineligible student to be eligible for a
17 scholarship under this article, the amount of the scholarship paid to the approved school
18 pursuant to such certification shall be refunded by the school to the Superintendent.

19 (b) The Superintendent or the Superintendent's designee, by contract or otherwise, is
20 authorized to oversee and manage the program created by this article and to develop and
21 manage an assessment methodology, which may include a review panel, to evaluate the
22 efficiency and effectiveness of this article in improving the overall educational
23 effectiveness of public education in Georgia, including the potential for expanding the
24 scope of this article to include additional systems, under such criteria as the Superintendent
25 may deem appropriate and necessary. The Superintendent or the Superintendent's designee
26 shall develop an annual report on the status of the program implemented by this article for
27 any year in which funds are appropriated by the General Assembly for the purpose of
28 granting the scholarships established in this article and shall deliver the report to the
29 Governor, the President of the Senate, the Speaker of the House of Representatives, and
30 the chairpersons of the Senate Education Committee and the House Education Committee
31 at least 30 days prior to the convening of the regular session of the General Assembly.

32 20-2-646.

33 Any person who knowingly makes or furnishes any false statement or misrepresentation,
34 or who accepts such statement or misrepresentation knowing it to be false, for the purpose

1 of enabling an ineligible student to obtain wrongfully a scholarship under this article shall
2 be guilty of a misdemeanor."

3 **SECTION 2.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval; provided, however, that this Act shall be automatically repealed on
6 July 1, 2004.

7 **SECTION 3.**

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