

Senate Bill 201

By: Senators Price of the 56th, Johnson of the 1st, Stephens of the 51st, Cagle of the 49th,
Williams of the 6th and others

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 define certain terms; to provide for a pilot
3 program to allow parents of students eligible to attend certain poorly performing public
4 elementary and middle schools the option of relocating the students to a school of their
5 choice within the same local school system; to provide for legislative intent; to provide for
6 a pilot program of scholarships to allow low-income students who are eligible to attend
7 certain poorly performing public elementary and middle schools to attend participating
8 private schools and adequate local schools; to provide for the amount of such scholarships;
9 to provide for the administration of the pilot programs by the State Board of Education; to
10 establish certain requirements for private schools that participate in the scholarship program;
11 to provide for exclusion of students receiving scholarships from the full-time equivalent
12 program count; to authorize local boards of education to use local education funds to
13 supplement the scholarships provided for in this Act; to authorize the State Board of
14 Education to promulgate certain rules; to provide for related matters; to provide for an
15 effective date; to repeal conflicting laws; and for other purposes.

16 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

17 **SECTION 1.**

18 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
19 secondary education, is amended by adding at the end thereof a new article, to be designated
20 as Article 32, to read as follows:

"ARTICLE 32

20-2-2080.

As used in this article, the term:

(1) 'Adequate local school' means a local school, other than a low-performing local school, which is not part of the local school system in which an eligible low-income student resides.

(2) 'Local board' means a county or independent board of education exercising control and management of a local school system pursuant to Article VIII, Section V, Paragraph II of the Constitution of Georgia.

(3) 'Local school' means a public school in Georgia that is located within a local school system.

(4) 'Local school system' means the system of public schools established and maintained by a local board within its limits pursuant to Article VIII, Section V, Paragraph I of the Constitution of Georgia.

(5) 'Low-income student' means any student in grades kindergarten through nine, who is a member of a family with a gross household income equal to or less than 235 percent of the federal poverty level.

(6) 'Low-performing local school' means a local elementary or middle school which, in the two consecutive years immediately preceding the school year for which a scholarship is granted pursuant to this article to a low-income student attending such local elementary or middle school, earned a grade of 'D' or 'F' on student performance for the absolute student achievement standard or on progress on improved student achievement as determined by the Office of Education Accountability in accordance with the provisions of Part 3 of Article 2 of Chapter 14 of this title.

(7) 'Parents' means the natural or adoptive parent or parents, legal guardian, or other person or persons standing in loco parentis to or having legal custody of a child eligible and entitled to relocate to another school or to receive an education scholarship under this article.

(8) 'Private school' shall have the same meaning as set forth in subsection (b) of Code Section 20-2-690.

(9) 'State board' means the State Board of Education.

(10) 'Tuition' means the actual tuition charged to a parent by a private school, or by an adequate local school pursuant to Code Section 20-2-133, and the additional cost to such parent of required uniforms, books, and home-to-school transportation.

1 20-2-2081.

2 The State Board of Education shall design and implement a pilot program for allowing
3 parents of students eligible to attend a low-performing school the option of relocating the
4 students to any other public school in the local school system, such school to be chosen by
5 the parents of the student; and a pilot program providing scholarships to enable low-income
6 students eligible to attend a low-performing local school to attend an adequate local school
7 or accredited private school. The State Board of Education shall elect three
8 low-performing schools for each pilot project, including schools from different geographic
9 areas of the state and schools of varying size.

10 20-2-2082.

11 For every student who is otherwise eligible and qualified to attend a low-performing local
12 school as defined in Code Section 20-2-2081 which has been selected for the pilot program,
13 the parents of such student shall have the option to relocate the student to any other public
14 school in the same local school system, such school to be chosen by the parents of the
15 student, through the completion of elementary and middle school.

16 20-2-2083.

17 Mindful of the primary obligation of the state to provide an adequate public education for
18 its citizens under Article VIII, Section I, Paragraph I of the Constitution of Georgia, and
19 the authority vested in the General Assembly under Article VIII, Section VII of the
20 Constitution of Georgia to authorize the expenditure of public funds to provide grants,
21 scholarships, loans, or other assistance to students and to parents of students for educational
22 purposes, it is the intent of the General Assembly to provide a means whereby:

23 (1) The state can fulfill a primary obligation under the Constitution of Georgia to provide
24 public funds for the adequate education of its citizens through the provision of
25 scholarships to low-income students who are compelled by state law and inadequate
26 financial resources to attend poorly performing local schools; and

27 (2) Low-income students can enjoy greater opportunities for access to learning through
28 the removal of financial barriers that prevent them from exercising the liberty of choice
29 as to their manner of life to which they are entitled under Article I, Section I, Paragraph
30 I of the Constitution of Georgia.

31 20-2-2084.

32 Every low-income student who is otherwise eligible and qualified to attend a
33 low-performing local school as defined in Code Section 20-2-2081 which has been selected
34 for the pilot program shall, in lieu of attending such local school, be eligible to receive a

1 scholarship to be expended for the purpose of paying or otherwise defraying the cost of
2 tuition at a private school or an adequate local school at which the low-income student is
3 enrolled.

4 20-2-2085.

5 (a) The amount of a scholarship awarded pursuant to this article to a particular eligible
6 low-income student shall be equal to the lesser of the following:

7 (1) The amount of tuition applicable to the private school or adequate local school where
8 the student is enrolled; or

9 (2) Ninety percent of the state per pupil expenditure for the local school system in which
10 the low-performing school is located. The state per pupil expenditure shall be calculated
11 as the amount allotted to the local school system pursuant to Code Section 20-2-166
12 divided by the full-time equivalent program count of the local school system, as
13 determined pursuant to subsection (d) of Code Section 20-2-160.

14 (b) The state board shall annually provide a scholarship to every low-income student
15 eligible to attend a low-performing school selected for the pilot program.

16 (c) If an eligible low-income student transfers into a participating private school or
17 adequate local school after the beginning of the year, the amount of the scholarship may
18 be prorated.

19 (d) A scholarship may be redeemed by the student's parent at any participating private
20 school or adequate local school.

21 (e) After the parent designates the participating private school or adequate local school in
22 which the eligible low-income student is enrolled, the state board shall disburse the
23 student's scholarship funds in equal monthly amounts to the parent's account with the
24 school. Monthly disbursement shall occur within 30 days of receipt of the school's
25 statement of current enrollment. The parent's signature must be obtained at the school at
26 the time of each payment.

27 (f) A low-income student receiving a scholarship pursuant to this article shall remain
28 eligible to receive such scholarship for a period of time equal to the length of time the
29 student would have been enrolled in the low-performing local school had the student
30 completed all of the grades available at the low-performing local school, but no longer than
31 through the end of the 2013-2014 school year.

32 (g) A scholarship provided under this article is a grant of aid to a student through the
33 student's parents and not to the private school or adequate local school in which the student
34 is enrolled and is not taxable income. Regardless of the means used by the state for the
35 distribution of scholarship aid under this article, for purposes of this article, all scholarship

1 aid that ultimately flows to a participating school shall be deemed to do so only as a result
2 of the genuinely independent and private choices of the scholarship recipients.

3 (h) A parent is free to choose any participating private school or adequate local school and
4 that selection does not constitute a decision or act of the state or any of its subdivisions.

5 20-2-2086.

6 (a) A private school qualifies to participate in the program established pursuant to this
7 article and has a right to participate in the program if the school:

8 (1) Complies with all the requirements imposed by the general statutory law of this state
9 upon private schools;

10 (2) Does not discriminate on the basis of race, ethnicity, color, or national origin;

11 (3) Does not advocate the violation of persons or the property of persons or any other
12 unlawful behavior; and

13 (4) Does not deliberately provide false or misleading information respecting the school.

14 (b) A private school or adequate local school becomes a participating school by redeeming
15 a scholarship; provided, however, that an adequate local school may not redeem
16 scholarships without authorization from its local board.

17 (c) A participating school shall not be obligated to provide transportation to students
18 participating in the program.

19 (d) Nothing in this article shall be construed to compel a private school or adequate local
20 school to become a participating school.

21 (e) Once a school becomes a participating school, it shall continue to participate until the
22 completion of the school year.

23 (f) Nothing in this article shall be construed to compel a participating school to continue
24 to participate in subsequent school years.

25 (g) A participating private school shall not be subject to any regulations or rules beyond
26 those which apply to all private schools operating in this state; provided, however, that the
27 state board may implement such minimal procedures as may be necessary to administer the
28 scholarship program in accordance with this article. Participating private schools,
29 regardless of size, shall be accorded maximum flexibility to educate their students and shall
30 be free from any and all regulation by a local board or the state board beyond that which
31 may be lawfully imposed for the protection of the safety of citizens under the Constitution
32 of Georgia and the United States Constitution.

33 20-2-2087.

34 Students receiving education scholarships under this article shall not be included in the
35 full-time equivalent program count conducted under Code Section 20-2-160 for any local

1 school system of this state for the purpose of allotment and distribution of state funds under
2 Article 6 of this chapter.

3 20-2-2088.

4 A local board may, at its election and pursuant to its right under Article VIII, Section VI,
5 Paragraph I of the Constitution of Georgia to expend school tax funds for the support and
6 maintenance of public education and the General Assembly's power under Article VIII,
7 Section VII of the Constitution of Georgia to authorize the expenditure of public funds to
8 provide scholarships, utilize local education funds to supplement the amount of the
9 scholarships paid under this article. Any such supplemental funds shall be expended in an
10 amount and under such procedures as may be prescribed by the local board.

11 20-2-2089.

12 The state board shall adopt such rules and guidelines as are necessary for the distribution
13 of the scholarships provided pursuant to this article."

14 **SECTION 2.**

15 This Act shall become effective on July 1, 2001.

16 **SECTION 3.**

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