

The House Committee on Judiciary offers the following substitute to HB 27:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to repeal Article 14, relating to education grants; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by repealing in its entirety Article 14, relating to education grants, and inserting in lieu thereof the following:

"ARTICLE 14

20-2-640.

~~The General Assembly, being mindful of the primary obligation of the state to provide an adequate education for the citizens of this state under Article VIII, Section I, Paragraph I of the Constitution of Georgia, and being mindful of the authority vested in the General Assembly under Article VIII, Section VII of the Constitution of Georgia to discharge all obligations of the state to provide an adequate education for its citizens by providing for grants of state, county, or municipal funds to such citizens for educational purposes, and being further particularly mindful of the need for a literate and informed society in all events, declares it to be the purpose and intent of this article to encourage and aid the education of all children of this state by implementing Article VIII, Section VII of the Constitution of Georgia by making provision for payment of education grants from public funds to the extent and in the manner as provided in this article. Reserved.~~

~~20-2-641.~~

~~As used in this article, the term:~~

H. B. 27 (SUB)

1 ~~(1) 'Local school system' means all county, city, independent, and other public school~~
2 ~~systems in existence in this state.~~

3 ~~(2) 'Parents' means the natural or adoptive parent or parents, legal guardian, or other~~
4 ~~person or persons standing in loco parentis to or having legal custody of a child eligible~~
5 ~~and entitled to receive an education grant under this article, who is actually paying or who~~
6 ~~will pay the tuition cost of attendance of such child at a school which qualified such child~~
7 ~~to receive a grant pursuant to this article.~~

8 ~~20-2-642.~~

9 ~~Every child between the ages of six and 19 years residing in this state who has not finished~~
10 ~~or graduated from high school and who is otherwise eligible and qualified to attend the~~
11 ~~elementary and secondary public schools of the local school system wherein such child~~
12 ~~resides shall, in lieu of attending the public schools of such local school system, be eligible~~
13 ~~to receive an education grant to be expended for the purpose of paying or otherwise~~
14 ~~defraying the cost of tuition at a nonsectarian private school located in any state of the~~
15 ~~United States or a public school located outside this state but within some other state of the~~
16 ~~United States, in the amount and manner provided by and subject to this article.~~

17 ~~20-2-643.~~

18 ~~The amount of each education grant that may be paid under this article per school year~~
19 ~~shall not exceed:~~

20 ~~(1) The actual amount expended or to be expended by parents in payment of the tuition~~
21 ~~cost of attendance of their child or ward at a school which by the terms of this article~~
22 ~~qualified such child to receive such grant; or~~

23 ~~(2) The average state cost per pupil in average daily attendance in the public schools of~~
24 ~~this state for the school year immediately preceding the school year for which the~~
25 ~~education grant is to be paid, to be determined by dividing the state-wide average daily~~
26 ~~attendance figure in the public schools of this state during the preceding school year into~~
27 ~~the total amount of state education funds allotted to all public school systems of this state~~
28 ~~for the preceding school year under Article 6 of this chapter excluding state allotments~~
29 ~~for capital outlay purposes;~~

30 ~~whichever of the two sums is the lesser. Only one education grant shall be paid on behalf~~
31 ~~of any school child eligible to receive a grant during any one school-year period as defined~~
32 ~~by law.~~

1 ~~20-2-644.~~

2 ~~No grants shall be paid to any person in any county or municipality of this state unless the~~
3 ~~need for the payment of such grants in a county or municipality has been determined as~~
4 ~~provided in this Code section. The county board of education and the governing authority~~
5 ~~of the county shall meet during the month of April each year to investigate the requests for~~
6 ~~grants in such county and may meet on the call of the governing authority at any other time~~
7 ~~to make such determination. In the event it is determined that such need does exist, a~~
8 ~~resolution to that effect must be passed by the county board and the governing authority~~
9 ~~at such joint meeting. In the case of a municipal school system, the board of education~~
10 ~~thereof, the governing authority of the municipality involved, and the governing authority~~
11 ~~of the county shall meet during the month of April each year to determine whether a need~~
12 ~~for such grants exists in the municipality and may meet on the call of the governing~~
13 ~~authority at any other time to make such determination. In the event it is determined that~~
14 ~~such need does exist, a resolution to that effect must be passed by the local board, the~~
15 ~~governing authority of the municipality involved, and the governing authority of the county~~
16 ~~at such joint meeting. If it is determined that a need exists and a resolution to that effect is~~
17 ~~adopted as provided for in this Code section, applications for grants shall be filed by~~
18 ~~parents of children eligible to receive grants under this article with the school~~
19 ~~superintendent of the local public school system where such children are entitled by law~~
20 ~~to attend the public schools free of any tuition. Applications shall be made in writing in~~
21 ~~such form, manner, and time and shall contain such information as the State Board of~~
22 ~~Education shall prescribe. All such applications shall be turned over to the local board of~~
23 ~~education, reviewed by such board, and approved or disapproved by such board within 30~~
24 ~~days after the date of filing with the local school superintendent.~~

25 ~~20-2-645.~~

26 ~~The State Board of Education shall prescribe reasonable rules and regulations providing~~
27 ~~for the administration of this article under the State School Superintendent. The state board~~
28 ~~may also prescribe all forms and reports deemed necessary for implementation of this~~
29 ~~article. Such rules and regulations shall prescribe the minimum academic standards that~~
30 ~~must be met by any nonsectarian private school attended by a child in order to entitle such~~
31 ~~child to an education grant under this article; provided, however, that such minimum~~
32 ~~academic standards as may be prescribed shall not exceed or be more stringent than the~~
33 ~~minimum academic standards applicable to the public elementary and secondary schools~~
34 ~~of this state. Such rules and regulations shall not deal in any manner with the requirements~~
35 ~~of nonsectarian private schools relating to eligibility of pupils that may be admitted thereto~~
36 ~~or with the physical plant facilities of any private schools. The Superintendent may require~~

1 each school to furnish him such information and records as may be deemed necessary to
2 enable him to make a determination as to whether such school shall be eligible under this
3 article. A failure by any school to produce all such information and records as may be
4 requested shall be grounds for the Superintendent to omit the name of such school on the
5 list of schools furnished to the local boards of education as provided in Code Section
6 20-2-646.

7 20-2-646.

8 The local boards of education shall be bound by the list of schools which the State School
9 Superintendent shall furnish. A local board may require an applicant for a grant to furnish
10 such information as may be deemed necessary to enable such local board to pass upon such
11 application. A failure by the applicant to produce all such information and records as may
12 be requested shall be grounds for denying the application without further investigation. In
13 the event any application is denied, the local board shall give written notice thereof by mail
14 to the parents applying therefor. Within ten days after receipt of such notice, the parents
15 may file a written request for hearing with the local board, in which event such a hearing
16 shall be afforded in not less than ten days from the date of receipt of such request. Any
17 parents, school, or institution adversely affected by any final determination made by the
18 local board as provided in this Code section may obtain review thereof by appeal to the
19 State Board of Education, which appeal must be filed in writing not less than 15 days after
20 such final determination. In all other respects, all such appeals to the state board shall be
21 made and determined in accordance with the rules and regulations of the state board
22 governing appeals from local boards of education.

23 20-2-647.

24 School children receiving education grants under this article shall not be considered as
25 being in daily attendance in any local school system of this state for the purpose of
26 allotment and distribution of state funds under Article 6 of this chapter.

27 20-2-648.

28 All grants approved and paid by the local boards of education shall be paid out of existing
29 and available school funds allocated to such local systems by the state for educational
30 purposes and from educational funds derived from local sources. The local system shall
31 receive a refund relative to the amounts paid out in education grants in the amount and
32 under the formula provided for in this Code section. The local board shall share in the cost
33 of the education grant in the same proportion as it shares in the cost of the Adequate
34 Program for Education in Georgia for such local system. The amount arrived at under such

~~formula shall be paid by the Department of Education to the local system at the time and under the procedure prescribed by the State Board of Education. The state board shall include in its estimate of financial requirements to be filed with the Office of Planning and Budget, as required by law, an estimate of the amount of funds which may be needed during the next appropriations period for the purpose of paying the state's portion of the grants provided for under this article. The General Assembly shall make adequate provision therefor in appropriating funds to the Department of Education. The local school systems may, at their election, utilize local education funds to supplement the amount of state funds and the local funds paid under the formula set out in this Code section. Any such supplemental funds used shall be expended in the amount and under the procedure prescribed by the local board.~~

~~20-2-649.~~

~~(a) All local school systems shall have the same power and authority to appropriate and utilize local education funds for the purpose of paying grants as such local systems now or hereafter possess for the purpose of operation of the local public schools.~~

~~(b) Notwithstanding any provisions of law limiting the power of counties to levy taxes and appropriate funds for use in the county school system for educational purposes or limiting the power of municipalities to levy taxes and appropriate funds for use in independent school systems for educational purposes, and in addition to any powers now granted counties and such municipalities by existing law to levy taxes and appropriate funds for educational purposes, the governing authorities of every county in this state and of every municipality authorized by law to maintain existing independent school systems are authorized by this article pursuant to authority conferred on the General Assembly by Article VIII, Section VII of the Constitution of Georgia to appropriate and expend any available local tax funds of such county or municipality to pay education grants.~~

~~20-2-650.~~

~~Any person who shall knowingly make any false statement in writing on any application or form required or authorized under this article or any person who shall obtain, seek to obtain, expend, or seek to expend any education grant funds for any purpose other than in payment of or reimbursement for the costs of attendance of his child or ward at a nonsectarian private school or public school as and for the purposes as provided in this article shall be guilty of a misdemeanor."~~

SECTION 2.

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