

Senate Bill 458

By: Senators Johnson of the 1st, Moody of the 56th, Thomas of the 54th, Williams of the 19th, Rogers of the 21st 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 local school systems and schools to be accredited; to provide for definitions; to  
3 provide that if a school system or school loses or fails to attain accreditation, a student shall  
4 be entitled to attend another public school or receive a scholarship to attend a private school;  
5 to provide for notice to parents; to provide for the maximum amount of the scholarship; to  
6 provide for procedures and requirements for payment of scholarships; to provide for  
7 conditions of acceptance of a scholarship; to provide for testing; to provide for rules and  
8 regulations; to provide that if a school is designated as a Needs Improvement School for  
9 seven consecutive years, a student shall be entitled to attend another public school or receive  
10 a scholarship to attend a private school; to provide for notice to parents; to provide for the  
11 maximum amount of the scholarship; to provide for procedures and requirements for  
12 payment of scholarships; to provide for conditions of acceptance of a scholarship; to provide  
13 for testing; to provide for rules and regulations; to provide for related matters; to provide for  
14 an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
18 adding a new Code section to Article 3 of Chapter 2, relating to local boards of education,  
19 to read as follows:

20 "20-2-72.

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

22 (1) 'Accredited' means accredited in good standing by the Southern Association of  
23 Colleges and Schools or the Georgia Accrediting Commission.

24 (2) 'Parent' means a parent, legal guardian, custodian, or other person with legal authority  
25 to act on behalf of a child.

1 (3) 'Participating student' means a student who receives a scholarship pursuant to this  
2 Code section.

3 (4) 'Private school' means a nonpublic school, sectarian or nonsectarian, which has  
4 accreditation or is in the process of receiving accreditation by one or more of the entities  
5 listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519.

6 (5) 'Resident school system' means the public school system in which the student would  
7 be enrolled based on his or her residence.

8 (b) Each local school system shall be accredited and shall maintain such accreditation for  
9 its school system and for each school within its school system as follows:

10 (1) A school system or a school which is accredited as of the effective date of this Act  
11 shall be required to maintain such accreditation in good standing;

12 (2) A school system or a school which is not accredited as of the effective date of this  
13 Act shall be required to become accredited no later than two years after the effective date  
14 of this Act; and

15 (3) A new school which is opened on or after the effective date of this Act shall be  
16 required to become accredited no later than two years after the opening of such school.

17 (c)(1) If a school system or a school which is accredited is put on probation by its  
18 accrediting agency, it shall provide notice to the parent of each student within the school  
19 system or school, as appropriate, within 30 days of notice by the accrediting agency to  
20 the school system of such probation status. Such notice shall include acknowledgment  
21 of such status and the options that are available to a student pursuant to subsection (d) of  
22 this Code section if the school system loses its accreditation.

23 (2) If a school system or a school which is not accredited as of the effective date of this  
24 Act fails to attain such accreditation no later than two years after the effective date of this  
25 Act, it shall provide notice no later than 30 days after the expiration of such two-year  
26 period to the parent of each student within the school system or school, as appropriate,  
27 of such failure and the options that are available to a student pursuant to subsection (d)  
28 of this Code section.

29 (3) If a new school which is opened on or after the effective date of this Act fails to  
30 become accredited within two years of its opening, the school shall provide notice no  
31 later than 30 days after the expiration of such two-year period to the parent of each  
32 student within the school of such failure and the options that are available to a student  
33 pursuant to subsection (d) of this Code section.

34 (d) In the event a school system or school loses its accreditation or does not become  
35 accredited in accordance with the time frames established pursuant to subsections (b) and  
36 (c) of this Code section, the parent of each student in the noncompliant school system or  
37 school, as appropriate, may opt to:

1 (1) Choose for the student to attend another public school within the resident school  
2 system which has available space, in the event of a noncompliant school. If the parent  
3 chooses this option, the resident school system shall be responsible for transportation to  
4 such school. The student may attend such public school pursuant to this paragraph until  
5 the student completes all grades of the school, graduates, or reaches the age of 20,  
6 whichever occurs first;

7 (2) Choose to enroll the student in and transport the student to a public school outside  
8 of the student's resident school system which has available space, in the event of a  
9 noncompliant school system or school. The public school system may accept the student,  
10 and if it does, such system shall report the student for purposes of funding to the  
11 department; or

12 (3) Request and receive from the department a scholarship for the student to enroll in and  
13 attend a private school in accordance with the following:

14 (A) The amount of a scholarship provided pursuant to this paragraph shall be the lesser  
15 of:

16 (i) The amount equivalent to the costs of the educational program that would have  
17 been provided for the student in the resident school system as calculated under Code  
18 Section 20-2-161, which shall not include any federal funds; or

19 (ii) The amount of the private school's tuition and fees, including any assessment fee  
20 required by the private school;

21 (B) Participating students shall be counted in the enrollment of their resident school  
22 system; provided, however, that this count shall only be for purposes of determining the  
23 amount of the scholarship. The participating students shall not be included as enrolled  
24 for purposes of state or federal accountability requirements, including, but not limited  
25 to, the federal Elementary and Secondary Education Act, as amended by the No Child  
26 Left Behind Act of 2001 (P.L. 107-110). The funds needed to provide a scholarship  
27 shall be subtracted from the allotment payable to the resident school system;

28 (C) Each local school system shall submit quarterly reports to the department on dates  
29 established by the department stating the number of participating students in the  
30 resident school system. Following each notification, the department shall transfer from  
31 the state allotment to each school system the amount calculated under Code Section  
32 20-2-161 to a separate account for the scholarships provided pursuant to this paragraph  
33 for quarterly disbursement to the parents of participating students. When a student  
34 applies for a scholarship, the department shall receive all documentation required for  
35 the student's participation, including the private school's and student's fee schedules,  
36 at least 30 days before the first quarterly payment is made for the student. The  
37 department shall not make any retroactive payments;

1 (D) Upon proper documentation received by the department, the department shall make  
2 quarterly payments to the parents of participating students on dates established by the  
3 department during each academic year in which the parents receive a scholarship. The  
4 initial payment shall be made upon evidence of admission to the private school, and  
5 subsequent payments shall be made on evidence of continued enrollment and  
6 attendance at the private school;

7 (E) Payment to the parents shall be made by individual warrant made payable to the  
8 student's parent and mailed by the department to the private school of the parent's  
9 choice, and the parent shall restrictively endorse the warrant to the private school for  
10 deposit into the account of such school;

11 (F) A person, on behalf of a private school, shall not accept a power of attorney from  
12 a parent to sign a warrant, and a parent of a participating student shall not give a power  
13 of attorney designating a person, on behalf of a private school, as the parent's attorney  
14 in fact;

15 (G) If the private school requires partial payment of tuition prior to the start of the  
16 academic year to reserve space for students admitted to the school, that partial payment  
17 may be paid by the department prior to the first quarterly payment of the year in which  
18 the scholarship is provided, up to a maximum of \$1,000.00, and deducted from  
19 subsequent payments. If a student decides not to attend the private school, the partial  
20 reservation payment shall be returned to the department by such school. Only one  
21 reservation payment per student may be made per year;

22 (H) Upon acceptance of a scholarship, the parent assumes full financial responsibility  
23 for the education of the participating student, including transportation to and from the  
24 private school;

25 (I) For a student who receives a scholarship pursuant to this paragraph whose parent  
26 requests that the student take the state-wide assessments pursuant to Code Section  
27 20-2-281, the resident school system shall make available to the student locations and  
28 times to take all state-wide assessments. Test scores of private school students  
29 participating in the state-wide assessments shall not be applied to the system averages  
30 of the resident school system for data reported for federal and state requirements; and

31 (J) The department may bar a private school from receiving scholarships from students  
32 pursuant to this paragraph if the department determines that the school has intentionally  
33 and substantially misrepresented information or failed to refund to the state any  
34 overpayments in a timely manner.

35 (K) The scholarship shall remain in force until the student returns to his or her assigned  
36 school in the resident school system or another public school, completes all grades of  
37 the school, graduates, or reaches the age of 20, whichever occurs first.

1 (e) When a school system or school re-attains its accreditation, the options included in  
 2 subsection (d) of this Code section shall no longer be available to students beginning in the  
 3 school year following the re-attainment, except as otherwise provided in subsection (d) of  
 4 this Code section for students that availed themselves of an option pursuant to such  
 5 subsection when the school system or school was noncompliant.

6 (f) The State Board of Education shall establish rules and regulations for the  
 7 implementation of this Code section."

## 8 SECTION 2.

9 Said title is further amended by adding a new Code section to Part 3 of Article 2 of Chapter  
 10 14, relating to the accountability assessment program for kindergarten through grade 12, to  
 11 read as follows:

12 "20-14-42.

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

14 (1) 'Needs Improvement School' means a school that has received an unacceptable rating  
 15 for a period of two or more consecutive years pursuant to Code Section 20-14-41.

16 (2) 'Parent' means a parent, legal guardian, custodian, or other person with legal authority  
 17 to act on behalf of a child.

18 (3) 'Participating student' means a student who receives a scholarship pursuant to this  
 19 Code section.

20 (4) 'Private school' means a nonpublic school, sectarian or nonsectarian, which has  
 21 accreditation or is in the process of receiving accreditation by one or more of the entities  
 22 listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519.

23 (5) 'Resident school system' means the public school system in which the student would  
 24 be enrolled based on his or her residence.

25 (b) A school which has been designated as a Needs Improvement School for six  
 26 consecutive years shall provide notice to the parent of each student within the school,  
 27 within 30 days of notice of such status by the State Board of Education. Such notice shall  
 28 include acknowledgment of such status and the options that are available to a student  
 29 pursuant to subsection (c) of this Code section if the school remains in such status for one  
 30 more consecutive year.

31 (c) In the event a school is designated as a Needs Improvement School for seven  
 32 consecutive years, the parent of each student in such school may opt to:

33 (1) Choose for the student to attend another public school within the resident school  
 34 system which has available space. If the parent chooses this option, the resident school  
 35 system shall be responsible for transportation to such school. The student may attend

1 such public school pursuant to this paragraph until the student completes all grades of the  
2 school, graduates, or reaches the age of 20, whichever occurs first;

3 (2) Choose to enroll the student in and transport the student to a public school outside  
4 of the student's resident school system which has available space. The public school  
5 system may accept the student, and if it does, such system shall report the student for  
6 purposes of funding to the department; or

7 (3) Request and receive from the department a scholarship for the student to enroll in and  
8 attend a private school in accordance with the following:

9 (A) The amount of a scholarship provided pursuant to this paragraph shall be the lesser  
10 of:

11 (i) The amount equivalent to the costs of the educational program that would have  
12 been provided for the student in the resident school system as calculated under Code  
13 Section 20-2-161, which shall not include any federal funds; or

14 (ii) The amount of the private school's tuition and fees, including any assessment fee  
15 required by the private school;

16 (B) Participating students shall be counted in the enrollment of their resident school  
17 system; provided, however, that this count shall only be for purposes of determining the  
18 amount of the scholarship. The participating students shall not be included as enrolled  
19 for purposes of state or federal accountability requirements, including, but not limited  
20 to, the federal Elementary and Secondary Education Act, as amended by the No Child  
21 Left Behind Act of 2001 (P.L. 107-110). The funds needed to provide a scholarship  
22 shall be subtracted from the allotment payable to the resident school system;

23 (C) Each local school system shall submit quarterly reports to the department on dates  
24 established by the department stating the number of participating students in the  
25 resident school system. Following each notification, the department shall transfer from  
26 the state allotment to each school system the amount calculated under Code Section  
27 20-2-161 to a separate account for the scholarships provided pursuant to this paragraph  
28 for quarterly disbursement to the parents of participating students. When a student  
29 applies for a scholarship, the department shall receive all documentation required for  
30 the student's participation, including the private school's and student's fee schedules,  
31 at least 30 days before the first quarterly payment is made for the student. The  
32 department shall not make any retroactive payments;

33 (D) Upon proper documentation received by the department, the department shall make  
34 quarterly payments to the parents of participating students on dates established by the  
35 department during each academic year in which the parents receive a scholarship. The  
36 initial payment shall be made upon evidence of admission to the private school, and

1 subsequent payments shall be made on evidence of continued enrollment and  
2 attendance at the private school;

3 (E) Payment to the parents shall be made by individual warrant made payable to the  
4 student's parent and mailed by the department to the private school of the parent's  
5 choice, and the parent shall restrictively endorse the warrant to the private school for  
6 deposit into the account of such school;

7 (F) A person, on behalf of a private school, shall not accept a power of attorney from  
8 a parent to sign a warrant, and a parent of a participating student shall not give a power  
9 of attorney designating a person, on behalf of a private school, as the parent's attorney  
10 in fact;

11 (G) If the private school requires partial payment of tuition prior to the start of the  
12 academic year to reserve space for students admitted to the school, that partial payment  
13 may be paid by the department prior to the first quarterly payment of the year in which  
14 the scholarship is provided, up to a maximum of \$1,000.00, and deducted from  
15 subsequent payments. If a student decides not to attend the private school, the partial  
16 reservation payment shall be returned to the department by such school. Only one  
17 reservation payment per student may be made per year;

18 (H) Upon acceptance of a scholarship, the parent assumes full financial responsibility  
19 for the education of the participating student, including transportation to and from the  
20 private school;

21 (I) For a student who receives a scholarship pursuant to this paragraph whose parent  
22 requests that the student take the state-wide assessments pursuant to Code Section  
23 20-2-281, the resident school system shall make available to the student locations and  
24 times to take all state-wide assessments. Test scores of private school students  
25 participating in the state-wide assessments shall not be applied to the system averages  
26 of the resident school system for data reported for federal and state requirements; and

27 (J) The department may bar a private school from receiving scholarships from students  
28 pursuant to this paragraph if the department determines that the school has intentionally  
29 and substantially misrepresented information or failed to refund to the state any  
30 overpayments in a timely manner.

31 (K) The scholarship shall remain in force until the student returns to his or her assigned  
32 school in the resident school system or another public school, completes all grades of  
33 the school, graduates, or reaches the age of 20, whichever occurs first.

34 (d) When a school is no longer designated as a Needs Improvement School, the options  
35 included in subsection (c) of this Code section shall no longer be available to students  
36 beginning in the school year following such removal of the designation, except as  
37 otherwise provided in subsection (c) of this Code section for students that availed

1 themselves of an option pursuant to such subsection when the school was designated as a  
2 Needs Improvement School for seven or more consecutive years.

3 (f) The State Board of Education shall establish rules and regulations for the  
4 implementation of this Code section."

5 **SECTION 3.**

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

8 **SECTION 4.**

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