

The Senate Education and Youth Committee offered the following substitute to HB 181:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the scholarship program for special needs students, so as to provide for additional
3 notification of the program; to provide for the waiver of one of the scholarship requirements
4 under certain conditions; to revise certain provisions relating to the amount of the
5 scholarship; to provide for application deadlines; to provide deadlines for scholarship
6 payments to parents; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
11 scholarship program for special needs students, is amended in Code Section 20-2-2113,
12 relating to annual notification of options available to parents of special needs children, by
13 revising subsection (a) as follows:

14 "(a) The resident school system shall annually notify prior to the beginning of each school
15 year the parent of a student with a disability by letter, by electronic means, or by ~~such~~ other
16 reasonable means in a timely manner of the options available to the parent under this
17 article, which shall be in the following form:

18 'Your child may be eligible for a Georgia Special Needs Scholarship to attend a private
19 school or another public school if your child has an Individualized Education Program
20 (IEP). Information may be found at www.specialedoptions.com relating to eligibility
21 requirements.'

22 In addition, the resident school system shall ensure that the parent of a student with a
23 disability is provided such notice at each Individualized Education Program (IEP) meeting."

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SECTION 2.

Said article is further amended by revising subsection (a) of Code Section 20-2-2114, relating to qualifications for the scholarship, as follows:

"(a) A student shall qualify for a scholarship under this article if:

(1) The student's parent currently resides within Georgia and has been a Georgia resident for at least one year;

(2) The student has one or more of the following disabilities:

(A) Autism;

(B) Deaf/blind;

(C) Deaf/hard of hearing;

(D) Emotional and behavioral disorder;

(E) Intellectual disability;

(F) Orthopedic impairment;

(G) Other health impairment;

(H) Specific learning disability;

(I) Speech-language impairment;

(J) Traumatic brain injury; or

(K) Visual impairment;

(3) The student has spent the prior school year in attendance at a Georgia public school and ~~shall have had an~~ has a current Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations, regardless of when such Individualized Education Program was put in place; provided, however, that the State Board of Education shall be authorized to require a local board of education to expedite the development of an Individualized Education Program and to waive the prior school year requirement contained in this paragraph, in its sole discretion, on a case-by-case basis for specific medical needs of the student upon the request of a parent or guardian in accordance with state board procedures. If an expedited Individualized Education Program is required by the state board pursuant to this paragraph, the state board may additionally require such expedited process to be completed prior to the beginning of the school year. The State Board of Education shall provide an annual report by December 31 of each year through December 31, 2015, regarding the number of waivers approved pursuant to this paragraph to the General Assembly;

(4) The parent obtains acceptance for admission of the student to a participating school; and

(5) The parent submits an application for a scholarship to the department no later than the deadline established by the department; provided, however, that the department shall

60 provide application deadline opportunities on September 15, December 15, and February
 61 15 of each school year for a student to transfer."

62 **SECTION 3.**

63 Said article is further amended by revising subsections (a), (d), and (e) of Code Section
 64 20-2-2116, relating to the amount of the scholarship and methods of payment, as follows:

65 "(a) The maximum scholarship granted a scholarship student pursuant to this article shall
 66 be an amount equivalent to the costs of the educational program that would have been
 67 provided for the student in the resident school system. This amount shall be as calculated
 68 under Code Section 20-2-161 and reduced by the local five mill share amount required
 69 pursuant to Code Section 20-2-164, austerity reductions, and any other state mandated
 70 reductions that occur midyear or otherwise, as applicable. This shall not include any
 71 federal funds."

72 "(d) Each local school system shall submit quarterly reports to the department on dates
 73 established by the department stating the number of scholarship students in the resident
 74 school system. Following each notification, the department shall transfer from the state
 75 allotment to each school system the amount calculated under ~~Code Section 20-2-161~~
 76 subsection (b) of this Code section to a separate account for the scholarship program for
 77 quarterly disbursement to the parents of scholarship students. When a student enters the
 78 program, the department must receive all documentation required for the student's
 79 participation, including the participating school's and student's fee schedules, at least 30
 80 days before the first quarterly scholarship payment is made for the student. The department
 81 may not make any retroactive payments.

82 (e) Upon proper documentation received by the department, the department shall make
 83 quarterly scholarship payments to the parents of scholarship students ~~on dates established~~
 84 ~~by the department~~ on or before November 1, January 7, April 1, and May 1 for quarterly
 85 periods corresponding, respectively, to August 1 through September 30, October 1 through
 86 November 30, December 1 through the last day of February, and March 1 through May 31
 87 during each academic year in which the scholarship is in force. As nearly as practical, such
 88 quarterly payments shall be equal; provided, however, that this shall not prevent payments
 89 from being adjusted due to budgetary midterm adjustments made pursuant to Code Section
 90 20-2-162. The state auditor shall cite as an audit exception any failure by the department
 91 to meet any payment deadlines and shall include such audit exceptions on the website
 92 established pursuant to Code Section 50-6-32. The initial payment shall be made upon
 93 evidence of admission to the participating school, and subsequent payments shall be made
 94 on evidence of continued enrollment and attendance at the participating school."

