

The House Committee on Education offers the following substitute to HB 70:

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 the waiver
3 of one of the scholarship requirements under certain conditions; to provide for application
4 deadlines; to provide deadlines for scholarship payments to parents; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
9 scholarship program for special needs students, is amended by revising subsection (a) of
10 Code Section 20-2-2114, relating to qualifications for the scholarship, as follows:

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

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

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

15 (A) Autism;

16 (B) Deaf/blind;

17 (C) Deaf/hard of hearing;

18 (D) Emotional and behavioral disorder;

19 (E) Intellectual disability;

20 (F) Orthopedic impairment;

21 (G) Other health impairment;

22 (H) Specific learning disability;

23 (I) Speech-language impairment;

24 (J) Traumatic brain injury; or

25 (K) Visual impairment;

- 26 (3) The student has spent the prior school year in attendance at a Georgia public school
 27 and ~~shall have~~ has had an Individualized Education Program (IEP) written by the school
 28 in accordance with federal and state laws and regulations; provided, however, that the
 29 State Board of Education shall be authorized to require a local board of education to
 30 expedite the development of an Individualized Education Program and to waive the prior
 31 school year requirement contained in this paragraph, in its sole discretion, on a
 32 case-by-case basis for specific medical needs of the student upon the request of a parent
 33 or guardian in accordance with state board procedures. If an expedited Individualized
 34 Education Program is required by the state board pursuant to this paragraph, the state
 35 board may additionally require such expedited process to be completed prior to the
 36 beginning of the school year. The State Board of Education shall provide an annual
 37 report by December 31 of each year through December 31, 2015, regarding the number
 38 of waivers approved pursuant to this paragraph to the General Assembly;
- 39 (4) The parent obtains acceptance for admission of the student to a participating school;
 40 and
- 41 (5) The parent submits an application for a scholarship to the department no later than
 42 the deadline established by the department; provided, however, that the department shall
 43 provide application deadline opportunities on September 15, December 15, and February
 44 15 of each school year for a student to transfer."

45 SECTION 2.

- 46 Said article is further amended by revising subsections (d) and (e) of Code Section
 47 20-2-2116, relating to the amount of the scholarship and methods of payment, as follows:
- 48 "(d) Each local school system shall submit quarterly reports to the department on dates
 49 established by the department stating the number of scholarship students in the resident
 50 school system. Following each notification, the department shall transfer from the state
 51 allotment to each school system the amount calculated under ~~Code Section 20-2-161~~
 52 subsection (b) of this Code section to a separate account for the scholarship program for
 53 quarterly disbursement to the parents of scholarship students. When a student enters the
 54 program, the department must receive all documentation required for the student's
 55 participation, including the participating school's and student's fee schedules, at least 30
 56 days before the first quarterly scholarship payment is made for the student. The department
 57 may not make any retroactive payments.
- 58 (e) Upon proper documentation received by the department, the department shall make
 59 quarterly scholarship payments to the parents of scholarship students ~~on dates established~~
 60 by the department on or before November 1, January 7, April 1, and May 1 for quarterly
 61 periods corresponding, respectively, to August 1 through September 30, October 1 through

62 November 30, December 1 through the last day of February, and March 1 through May 31
63 during each academic year in which the scholarship is in force. As nearly as practical, such
64 quarterly payments shall be equal; provided, however, that this shall not prevent payments
65 from being adjusted due to budgetary midterm adjustments made pursuant to Code Section
66 20-2-162. The state auditor shall cite as an audit exception any failure by the department
67 to meet any payment deadlines and shall include such audit exceptions on the website
68 established pursuant to Code Section 50-6-32. The initial payment shall be made upon
69 evidence of admission to the participating school, and subsequent payments shall be made
70 on evidence of continued enrollment and attendance at the participating school."

71 **SECTION 3.**

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