

House Bill 70 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 40th, Coleman of the 97th, Setzler of the 35th, Lindsey of the 54th, Dudgeon of the 25th, and others

**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;

(3) The student has spent the prior school year in attendance at a Georgia public school and ~~shall have~~ has had an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations; 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 provide application deadline opportunities on September 15, December 15, and February 15 of each school year for a student to transfer."

SECTION 2.

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

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

(e) Upon proper documentation received by the department, the department shall make quarterly scholarship payments to the parents of scholarship students ~~on dates established by the department~~ on or before October 15, December 15, February 15, and May 15 for quarterly periods corresponding, respectively, to August 1 through September 30.

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

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SECTION 3.

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