

Senate Bill 395

By: Senator Hill of the 6th

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 expand the scholarship  
3 program to children of military personnel; to provide for the Junior G.I. Bill Scholarship; to  
4 provide for qualifications and requirements for the scholarship program; to revise the short  
5 title and legislative findings; to revise a definition; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the  
10 scholarship program for special needs students, is amended by revising Code Section  
11 20-2-2110, relating to the short title, as follows:

12 "20-2-2110.

13 This article shall be known and may be cited as the 'Georgia Special Needs and Junior G.I.  
14 Bill Scholarship Act."

15 **SECTION 2.**

16 Said article is further amended by revising Code Section 20-2-2111, relating to legislative  
17 findings, as follows:

18 "20-2-2111.

19 The General Assembly finds that:

20 (1) Students with disabilities and children of military personnel have special needs that  
21 merit educational alternatives which will allow students to learn in an appropriate setting  
22 and manner and that recognizes and honors the tremendous personal and financial  
23 sacrifices made by our military personnel to protect and serve our nation;  
24 (2) A scholarship option is needed to ensure inclusive, quality educational experiences  
25 for all military-connected children affected by mobility, family separation, and transition;

(2)(3) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children;

(3)(4) Children, parents, and families are the primary beneficiaries of the scholarship program authorized in this article, and any benefit to private schools, sectarian or otherwise, is purely incidental;

(4)(5) The scholarship program established in this article is for the valid secular purpose of tailoring a student's education to that student's specific needs and enabling families to make genuine and independent private choices to direct their resources to appropriate schools; and

(5)(6) Nothing in this article shall be construed as a basis for granting vouchers or tuition tax credits for any other students, with or without disabilities."

### SECTION 3.

Said article is further amended by revising paragraph (9) of Code Section 20-2-2112, relating to definitions, as follows:

"(9) 'Scholarship' means a Georgia Special Needs Scholarship or a Junior G.I. Bill Scholarship awarded pursuant to this article."

## **SECTION 4.**

Said article is further amended by revising Code Section 20-2-2113, relating to annual notification of options available to parents of special needs students, as follows:

"20-2-2113.

(a) The resident school system shall provide specific written notice of the options available under this article pursuant to this Code section, including a Georgia Special Needs Scholarship, to the parent at the initial Individualized Education Program (IEP) meeting in which a disability of the parent's child is identified. Thereafter, the resident school system shall annually notify prior to the beginning of each school year the parent of a student with a disability by letter, electronic means, or by such other reasonable means in a timely manner of the options available to the parent under this article Code section.

(b)(1) The parent may choose for the student to attend another public school within the resident school system which has available space and which has a program with the services agreed to in the student's existing ~~individualized education program~~ Individualized Education Program. If the parent chooses this option, then the parent shall be responsible for transportation to such school. The student may attend such public school pursuant to this paragraph until the student completes all grades of the school,

graduates, or reaches the age of 21, whichever occurs first, in accordance with federal and state requirements for disabled students;

(2) The parent may choose to enroll the student in and transport the student to a public school outside of the student's resident school system which has available space and which has a program with the services agreed to in the student's existing ~~individualized education program~~ Individualized Education Program. The public school system may accept the student, and if it does, such system shall report the student for purposes of funding to the department;

(3) The parent may choose for the student to attend one of the state schools for the deaf and blind operated by the State Board of Education, if appropriate for the student's needs. Funding for such students shall be provided in accordance with Code Section 20-2-302; or

(4) The parent may request and receive from the department a ~~scholarship~~ Georgia Special Needs Scholarship for the student to enroll in and attend a participating private school in accordance with this article."

## 75 SECTION 5.

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

78 "(a) A student shall qualify for a ~~scholarship under this article~~ Georgia Special Needs  
79 Scholarship pursuant to this Code section if:

80 (1) The student's parent currently resides within Georgia and has been a Georgia resident  
81 for at least one year; provided, however, that the one-year requirement shall not apply if  
82 the student's parent is an active duty military service member stationed in Georgia within  
83 the previous year;

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

85 (A) Autism;

86 (B) Deaf/blind;

87 (C) Deaf/hard of hearing;

88 (D) Emotional and behavioral disorder;

89 (E) Intellectual disability;

90 (F) Orthopedic impairment;

91 (G) Other health impairment;

92 (H) Specific learning disability;

93 (I) Speech-language impairment;

94 (J) Traumatic brain injury; or

95 (K) Visual impairment;

(3) The student:

(A) Has spent the prior school year in attendance at a Georgia public school; provided, however, that this requirement shall not apply if the student's parent is an active duty military service member stationed in Georgia within the previous year; and

(B) Has an Individualized Education Program written 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 subparagraph (A) of 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 subparagraph, 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 6.

Said article is further amended by adding a new Code section to read as follows:

"20-2-2114.1.

(a) A student shall qualify for a Junior G.I. Bill Scholarship pursuant to this Code section if:

(1) The student resides within Georgia and has a parent who is an active duty military service member stationed in Georgia, a member of the Georgia National Guard, or a member of a reserve component of the armed forces residing in Georgia;

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

(3) The parent submits an application for a Junior G.I. Bill 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.

132 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility for  
133 the education of the scholarship student, including transportation to and from the  
134 participating school.

135 (c) For a student who participates in the program whose parents request that the student  
136 take the state-wide assessments pursuant to Code Section 20-2-281, the resident school  
137 system shall make available to the student locations and times to take all state-wide  
138 assessments. Test scores of private school students participating in the state-wide  
139 assessments shall not be applied to the system averages of the resident school system for  
140 data reported for federal and state requirements.

141 (d) Students enrolled in a school operated by the Department of Juvenile Justice are not  
142 eligible for the scholarship.

143     (e) The scholarship shall remain in force until the student returns to his or her assigned  
144        school in the resident public school system, graduates from high school, or reaches the age  
145        of 21, whichever occurs first. However, at any time, the student's parent may remove the  
146        student from the participating school and place the student in another participating school  
147        or public school.

148 (f) The creation of the program or the granting of a scholarship pursuant to this article shall  
149 not be construed to imply that a public school did not provide a free and appropriate public  
150 education for a student or constitute a waiver or admission by the state.

151 (g) Any scholarship directed to a participating school is so directed wholly as a result of  
152 the genuine and independent private choice of the parent.

153 (h) The parent of each student participating in the scholarship program shall comply fully  
154 with the participating school's rules and policies.

155 (i) Any parent who fails to comply with the provisions of this article and department  
156 regulations relating to the scholarship shall forfeit the scholarship."

## SECTION 7.

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