

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;

26 ~~(2)~~(3) Parents are best equipped to make decisions for their children, including the
 27 educational setting that will best serve the interests and educational needs of their
 28 children;

29 ~~(3)~~(4) Children, parents, and families are the primary beneficiaries of the scholarship
 30 program authorized in this article, and any benefit to private schools, sectarian or
 31 otherwise, is purely incidental;

32 ~~(4)~~(5) The scholarship program established in this article is for the valid secular purpose
 33 of tailoring a student's education to that student's specific needs and enabling families to
 34 make genuine and independent private choices to direct their resources to appropriate
 35 schools; and

36 ~~(5)~~(6) Nothing in this article shall be construed as a basis for granting vouchers or tuition
 37 tax credits for any other students, with or without disabilities."

38 **SECTION 3.**

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

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

43 **SECTION 4.**

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

46 "20-2-2113.

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

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

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

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

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

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

75 **SECTION 5.**

76 Said article is further amended by revising subsection (a) of Code Section 20-2-21 14, 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;

- 96 (3) The student:
- 97 (A) Has spent the prior school year in attendance at a Georgia public school; provided,
- 98 however, that this requirement shall not apply if the student's parent is an active duty
- 99 military service member stationed in Georgia within the previous year; and
- 100 (B) Has an Individualized Education Program written in accordance with federal and
- 101 state laws and regulations; provided, however, that the State Board of Education shall
- 102 be authorized to require a local board of education to expedite the development of an
- 103 Individualized Education Program and to waive the prior school year requirement
- 104 contained in subparagraph (A) of this paragraph, in its sole discretion, on a case-by-case
- 105 basis for specific medical needs of the student upon the request of a parent or guardian
- 106 in accordance with state board procedures. If an expedited Individualized Education
- 107 Program is required by the state board pursuant to this subparagraph, the state board
- 108 may additionally require such expedited process to be completed prior to the beginning
- 109 of the school year. The State Board of Education shall provide an annual report by
- 110 December 31 of each year through December 31, 2015, regarding the number of
- 111 waivers approved pursuant to this paragraph to the General Assembly;
- 112 (4) The parent obtains acceptance for admission of the student to a participating school;
- 113 and
- 114 (5) The parent submits an application for a scholarship to the department no later than
- 115 the deadline established by the department; provided, however, that the department shall
- 116 provide application deadline opportunities on September 15, December 15, and February
- 117 15 of each school year for a student to transfer."

118 SECTION 6.

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

120 "20-2-2114.1.

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

122 if:

123 (1) The student resides within Georgia and has a parent who is an active duty military

124 service member stationed in Georgia, a member of the Georgia National Guard, or a

125 member of a reserve component of the armed forces residing in Georgia;

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

127 and

128 (3) The parent submits an application for a Junior G.I. Bill Scholarship to the department

129 no later than the deadline established by the department; provided, however, that the

130 department shall provide application deadline opportunities on September 15, December

131 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."

157 **SECTION 7.**

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