

**LOST**

Senators Hill of the 6th, Jones of the 25th, Stone of the 23rd, Williams of the 27th and Payne of the 54th offered the following amendment:

1 *Amend HB 338 by inserting after "reports;" on line 21 the following:*

2 to establish an individual student education account program; to provide for qualifications  
3 and requirements; to provide for participating schools; to provide for responsibilities of  
4 parents; to provide for rules and regulations;

5 *By inserting between lines 634 and 635 the following:*

6 **PART IV**  
7 **SECTION 4-1.**

8 Said title is further amended by adding a new article to read as follows:

9 "ARTICLE 35

10 20-2-2140.

11 This article shall be known and may be cited as the 'Individual Student Education Account  
12 Act.'

13 20-2-2141.

14 As used in this article, the term:

15 (1) 'Department' means the Department of Education.

16 (2) 'Eligible postsecondary institution' means a community college, an accredited  
17 university, or an accredited private postsecondary institution.

18 (3) 'Eligible student' means any child who is a Georgia resident and has spent the prior  
19 school year in attendance at a Georgia public school and was reported by a public school  
20 system or school systems during the preceding October and March full-time equivalent  
21 (FTE) program counts in accordance with Code Section 20-2-150.

22 (4) 'Individual student education account' or 'account' means a consumer driven savings  
23 account established pursuant to this article composed of state funds accrued on behalf of  
24 an eligible student and which may be used for qualifying educational expenses, including  
25 future postsecondary education expenses.

26 (5) 'Participating student' means an eligible student who has elected to participate in the  
27 program established pursuant to this article.

28 (6) 'Program' means the individual student education account program established  
 29 pursuant to this article.

30 (7) 'Qualifying educational expenses' means:

31 (A) Tuition and fees at a participating school and textbooks required by such school;

32 (B) Payment for private tutoring;

33 (C) Payment for purchase of curriculum materials;

34 (D) Tuition or fees for a nonpublic online learning program;

35 (E) Contracted educational services by a public school or local school system,  
 36 including courses; provided, however, that this shall not be construed to equate to  
 37 enrollment in a public school for purposes of eligibility for the program;

38 (F) Fees for nationally norm-referenced assessment, advanced placement or similar  
 39 examinations, and examinations related to college or university admission;

40 (G) Educational services for participating students with disabilities from a licensed or  
 41 accredited practitioner or provider; and

42 (H) Tuition and fees at an eligible postsecondary institution and textbooks required  
 43 therein.

44 (8) 'Parent,' 'participating school,' and 'resident school system' shall have the same  
 45 meanings as in Code Section 20-2-2112.

46 20-2-2142.

47 (a) For each participating student, the department shall deposit into an account an amount  
 48 equivalent to the costs of the educational program that would have been provided for such  
 49 student as calculated under Code Section 20-2-161 if he or she were enrolled in and  
 50 attending school in the resident school system less the state-wide average local five mill  
 51 share per student and less any administrative costs withheld pursuant to subsection (a) of  
 52 Code Section 20-2-2143. The amount deposited shall not include any federal funds.

53 (b) A participating student shall be counted in the enrollment of his or her resident school  
 54 system; provided, however, that this count shall only be for the purpose of determining the  
 55 amount of the grant, and such participating student shall not be counted as enrolled for  
 56 purposes of state or federal accountability requirements. The funds needed to provide a  
 57 grant shall be subtracted by the department from the allotment payable to the participating  
 58 student's resident school system for purposes of funding the individual student education  
 59 accounts.

60 (c) Funds deposited into an account shall be used only for qualifying educational expenses  
 61 for the participating student. Annually, 50 percent of the prior year's deposit in an account  
 62 shall roll over to the following year. If an account has been inactive for two consecutive  
 63 years or funds remain in the account when the participating student turns 25 years old, the

64 funds in such account shall be returned to the state and the account shall be closed. Upon  
 65 high school graduation of the participating student, an amount not to exceed 50 percent of  
 66 the total of the prior year's deposits shall roll over and may be used for postsecondary  
 67 education.

68 (d) In the 2017-2018 school year, the number of participating students in the program shall  
 69 be limited to one-quarter of 1 percent of the state-wide total public school enrollment and  
 70 in the 2018-2019 school year and thereafter, an additional one-quarter of 1 percent of the  
 71 state-wide total public school enrollment shall be added each school year. If the number  
 72 of eligible students applying to participate in the program in any given school year exceeds  
 73 the capacity as set by this subsection, priority shall be given to students who qualify for  
 74 free or reduced price lunch under federal guidelines, students in schools that have  
 75 performed in the lowest 5 percent of schools in this state identified in accordance with the  
 76 state-wide accountability system established in the state plan pursuant to the federal Every  
 77 Student Succeeds Act, and students with Individualized Education Programs, otherwise  
 78 participating students shall be admitted through a random selection process.

79 (e) A participating student shall be eligible to receive deposits into an individual student  
 80 education account pursuant to this Code section until the student returns to a public school,  
 81 the parent closes the account, or the student graduates from high school.

82 20-2-2143.

83 (a) The department may withhold up to 3 percent of the amount calculated pursuant to  
 84 subsection (a) of Code Section 20-2-2142 for use in administering the program established  
 85 pursuant to this article.

86 (b) The department shall have the authority to refer cases of suspected misuse of account  
 87 funds by parents to law enforcement agencies for investigation.

88 (c) The department shall have authority to bar any parent or participating school from  
 89 participation in the program for violation of program requirements.

90 20-2-2144.

91 All participating schools shall meet the same requirements as in subsection (a) of Code  
 92 Section 20-2-2115.

93 20-2-2145.

94 The department shall adopt rules and regulations as necessary to implement the provisions  
 95 of this article."

96 *By redesignating Part IV and Section 4-1 as Part V and Section 5-1, respectively.*