

Senate Bill 493

By: Senators Kemp of the 38th, Jones II of the 22nd, Parent of the 44th, Sims of the 12th,
Howard of the 35th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2B of Title 20 of the Official Code of Georgia Annotated, relating to
2 promise scholarship accounts, so as to establish accountability measures for private schools
3 participating in the promise scholarship program; to require the education savings authority
4 to establish an academic performance standard for participating schools; to require the
5 education savings authority to conduct annual eligibility review of participating schools; to
6 require the education savings authority to take certain measures if a participating school is
7 no longer eligible to enroll participating students or fails to meet the academic performance
8 standard; to provide for related matters; to provide a short title; to provide for effective dates;
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Promise Scholarship Student Success and
13 Transparency Act."

SECTION 2.

14

15 Chapter 2B of Title 20 of the Official Code of Georgia Annotated, relating to promise
16 scholarship accounts, is amended by revising Code Section 20-2B-26, relating to education
17 savings authority, powers and duties, rules and regulations, and limitation of liability, as
18 follows:

19 "20-2B-26.

20 (a) The education savings authority shall adopt rules and regulations as necessary for the
21 administration of the program and shall include rules and regulations prioritizing the
22 selection of economically disadvantaged students over non-economically disadvantaged
23 students and prioritizing participating students and students who previously were
24 participating students over new applicants if either the number of participating students or
25 the number of applications for accounts exceeds the funds available for the program. The
26 education savings authority shall adopt rules and regulations regarding eligibility and
27 participation of participating schools and service providers, including, but not limited to,
28 timelines that will maximize student and private school participation, the calculation and
29 distribution of accounts to participating students, and the application and approval
30 procedures for participating students, participating schools, and service providers. The
31 education savings authority shall develop and utilize a compliance form for completion by
32 participating schools and service providers. The education savings authority shall be
33 authorized to require any pertinent information as it deems necessary from participating
34 schools and service providers for the purpose of implementing the program. Participating
35 schools and service providers shall be required to complete such forms and certify their
36 accuracy.

37 (b) No liability shall arise on the part of the education savings authority or the state or of
38 any local board of education based on the award or use of an account awarded pursuant to
39 this article.

40 (c) The education savings authority shall ~~have the authority to:~~

41 (1) Examine and audit accounts and records of participating student accounts, or contract
42 for such examining and auditing of accounts, ~~and shall, at a minimum, conduct random~~
43 ~~audits~~ on an annual basis;

44 (2) Take or require that such corrective, remedial, or preventive actions be taken as may
45 be necessary or appropriate to protect the interests of the education savings authority, the
46 state, the United States, schools, students, and the public at large; ~~and~~

47 (3) Make any parent or participating student ineligible for the program in the event of
48 misuse of account funds;

49 (4)(A) Not later than December 31, 2026, and in coordination with the Office of
50 Student Achievement, establish an academic performance standard for participating
51 schools to ensure that not less than half of the participating students enrolled in a
52 participating school are performing at or above grade level or are demonstrating growth
53 in student achievement. Such academic performance standard and the reviews
54 conducted pursuant to subparagraph (B) of this paragraph shall take into consideration:

55 (i) Student performance on the assessments or tests provided for in Code Section
56 20-2B-27;

57 (ii) Student performance on assessments administered pursuant to Code Section
58 20-2-281 in the year prior to such student enrolling in a participating school; and

59 (iii) The length of time a student has been enrolled in the participating school;

60 (B) Not later than December 31, 2026, and by December 31 each year thereafter,
61 conduct reviews to ensure that each participating school meets the performance
62 standard established pursuant to this paragraph. In the event that the education savings
63 authority determines during such review that a participating school does not meet the
64 performance standard, the education savings authority shall:

65 (i) After the first such finding, require such participating school to implement a plan
66 to improve student performance;

67 (ii) After the second such finding, require such participating school to implement a
68 plan to remedy the failure to meet the performance standard, require such
69 participating school to submit regular reports of participating student performance,
70 and implement a probationary period;

71 (iii) After the third such finding, limit the number of participating students allowed
72 to enroll in such participating school for the first time to not more than half of the
73 number of participating students that enrolled for the first time in such participating
74 school in the previous school year; and

75 (iv) After the fourth such finding, prohibit the participating school from enrolling
76 new participating students for a period of three years, after which the participating
77 school may reapply to participate in the program; and

78 (5) Not later than December 31, 2026, and by December 31 each year thereafter, conduct
79 annual reviews to ensure that each participating school remains eligible to enroll
80 participating students.

81 (d) The education savings authority shall have the authority to refer cases of substantial
82 misuse of account funds to the Attorney General for investigation if evidence of fraudulent
83 use is obtained.

84 (e) The education savings authority may deduct an amount from accounts to cover the
85 costs of overseeing and administering the program, up to a maximum of 5 percent annually.

86 (f) The education savings authority may contract with a qualified organization to
87 administer the program or specific functions of the program.

88 (g) The education savings authority shall provide parents of participating students with an
89 explanation of the allowable uses of account funds, the responsibilities of parents, and the
90 duties of the education savings authority."

91 **SECTION 3.**

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