

House Bill 579 (COMMITTEE SUBSTITUTE)

By: Representatives Barrett of the 24th, Jones of the 25th, Hilton of the 48th, Dempsey of the 13th, Jones of the 47th, 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 "Georgia Special Needs Scholarship Act," so as to revise provisions for
3 expedited completion of a student's first Individualized Education Program; to provide for
4 calculating maximum scholarship amounts for certain students; to provide for electronic
5 deposits; to provide for compliance form; to provide for deadlines by which the Department
6 of Education shall publish certain information; to provide for conforming changes; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
11 "Georgia Special Needs Scholarship Act," is amended by revising subsections (a) and (f) of
12 Code Section 20-2-2116, relating to amount of scholarship and method of payments, as
13 follows:

14 "(a) The maximum scholarship granted a scholarship student pursuant to this article shall
15 be an amount equivalent to the costs of the educational program that would have been
16 provided for the student in the resident school system as calculated under Code
17 Section 20-2-161 and, if a scholarship student has an Individualized Education Program

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18 (IEP), based upon services specified in the Individualized Education Program in place at
 19 the time of the most recent enrollment count, as described in Code Section 20-2-160;
 20 provided, however, that in the case of a student whose first Individual Education Program
 21 was expedited as provided for in subparagraph (a)(3)(A) of Code Section 20-2-2114 but
 22 was not in effect at the time of the most recent enrollment count, the initial calculation of
 23 the maximum scholarship amount shall be based upon services specified in the
 24 Individualized Education Program in place at the time such Individualized Education
 25 Program takes effect. Such initial calculation shall be revised based upon services
 26 specified in the Individualized Education Program in place at the time of the next
 27 enrollment count. This shall not include any federal funds."

28 "(f) Payment to the parents ~~must~~ shall be made by individual warrant made payable to the
 29 student's parent. The department shall electronically deposit payments that have been
 30 restrictively endorsed by parents into the account of such school; provided, however, that
 31 in the event an electronic deposit cannot be made, such payment may be ~~and~~ mailed by the
 32 department to the participating school of the parent's choice, and the parent shall
 33 restrictively endorse the warrant to the participating school for deposit into the account of
 34 such school."

35 SECTION 2.

36 Said article is further amended by revising subsections (a) and (b) of Code
 37 Section 20-2-2117, relating to adoption and promulgation of rules, immunity from liability
 38 for scholarship decisions, and schools may be barred from program participation for certain
 39 actions, as follows:

40 "(a) The board shall adopt rules to administer the program regarding student eligibility,
 41 eligibility and participation of participating schools, including, but not limited to, timelines
 42 that will maximize student and public and private school participation, the calculation and
 43 distribution of scholarships to eligible students and participating schools, ~~and~~ the

44 application and approval procedures for eligible students and participating schools, the
 45 transparency of the program, and ensuring public awareness of the program and its impacts.
 46 ~~The department shall develop and utilize a compliance form for completion by~~
 47 ~~participating schools. The department shall be authorized to require any pertinent~~
 48 ~~information as it deems necessary from participating schools for the purpose of~~
 49 ~~implementing the program. Participating schools shall be required to complete such forms~~
 50 ~~and certify their accuracy.~~

51 (b)(1) ~~The board shall adopt rules to administer the program regarding student eligibility,~~
 52 ~~transparency, and awareness of the impact of the program., including, but not limited to,~~
 53 ~~the following:~~ The department shall develop and utilize a compliance form for
 54 completion by participating schools. The department shall be authorized to require any
 55 pertinent information as it deems necessary from participating schools for the purpose of
 56 implementing the program. Participating schools shall be required to complete such
 57 forms and certify their accuracy.

58 (1)(2) The department shall conduct an annual survey of participating parents'
 59 satisfaction with the program, their satisfaction with the private school, and their
 60 likelihood of recommending the program. Survey results shall be collected using only
 61 numerical measures and made publicly available in the annual report provided for in
 62 Code Section 20-2-2118; ~~and.~~

63 (2)(3) The department shall post on its ~~publicly accessible~~ public website the basic unit
 64 cost for general instructional programs as a minimum estimate for scholarship amounts.
 65 Within 30 days of the final enrollment count each school year provided for in
 66 subsection (a) of Code Section 20-2-160 and the adoption by the General Assembly of
 67 an appropriations Act in which funding for this article is provided, the department shall
 68 provide the parents of scholarship students estimated scholarship amounts. Each year,
 69 as soon as practicable but no later than July 1, the ~~The~~ department shall provide parents
 70 of scholarship students the actual scholarship amounts ~~upon appropriation of state funds~~

71 ~~to the department for disbursement.~~ Within 30 calendar days of receipt of the actual
72 scholarship amount, a parent of a scholarship student who believes that such student's
73 program weights have been incorrectly reported by the local school system, including,
74 but not limited to, services or segments that are included in the student's Individualized
75 Education Program but were not recorded as part of such final enrollment count, may
76 make a request in writing to the department for a review of the accuracy of the local
77 school system's reported program weights. The department shall provide a written
78 response within 30 days of receipt of the parent's written request."

79 **SECTION 3.**

80 Said article is further amended, by revising Code Section 20-2-2118, relating to annual
81 report, as follows:

82 "20-2-2118.

83 The Office of Student Achievement, in conjunction with the department, shall provide the
84 General Assembly not later than December 1 of each year with a report regarding the
85 scholarship program for the previous fiscal year. The report shall include, but not be
86 limited to, numbers and demographics of students participating, disaggregated by student
87 age, grade level, gender, race, ethnicity, and eligibility for free or reduced price meals
88 under federal guidelines at the time each student commenced participating in the program;
89 and numbers of participating schools; and the medical or behavioral conditions the
90 participating school is either currently accommodating or is able to accommodate. Such
91 report shall also be posted on the Office of Student Achievement's public website."

92 **SECTION 4.**

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