

Senate Bill 85

By: Senators Brass of the 6th, Beach of the 21st, Anavitarte of the 31st, Harbison of the 15th,  
Wicks of the 34th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 12 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to postsecondary education grants for foster children and adopted children, so as to  
3 establish a grant program to provide grants to former foster youth who meet eligibility  
4 requirements, subject to specific appropriations; to provide for eligibility requirements; to  
5 provide for a short title; to provide for definitions; to limit awards to undergraduate level  
6 postsecondary education; to provide for the application process for the program; to provide  
7 for the Georgia Student Finance Authority to contract with a qualified grant coordinating  
8 organization to administer the program, to establish rules and regulations, and to conduct  
9 compliance examinations; to allow for eligibility of part-time students; to authorize the  
10 department to suspend institutions from the program for failure to refund moneys in certain  
11 circumstances; to provide for criminal penalty for persons making false statements or  
12 misrepresentations in the application process; to provide for collection and evaluation; to  
13 provide for contingent effectiveness; to provide for related matters; to repeal conflicting  
14 laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16

**SECTION 1.**

17 Article 12 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
18 postsecondary education grants for foster children and adopted children, is amended by  
19 designating Code Section 20-3-660, relating to tuition waiver program for qualifying foster  
20 and adopted individuals, as Part 1 and by adding a new part to read as follows:

21

"Part 222 20-3-670.23 This part shall be known and may be cited as the 'Georgia Foster Care Scholarship Act.'24 20-3-671.25 As used in this part, the term:26 (1) 'Eligible postsecondary institution' shall have the same meaning as provided in Code  
27 Section 20-3-519.28 (2) 'Eligible student' means an individual who:29 (A) Is under the age of 26 years;30 (B)(i) Is currently enrolled as a full-time or part-time student in an eligible  
31 postsecondary institution; or32 (ii) Is within three years of receiving his or her high school diploma or state approved  
33 high school equivalency (HSE) diploma and has been accepted for admission to an  
34 eligible postsecondary institution; and35 (C)(i) Is currently in the custody of the Georgia Division of Family and Children  
36 Services;37 (ii) Is currently participating in the Division of Family and Children Services  
38 independent living program in accordance with applicable policies and procedures;

39 (iii) Has family currently receiving or during the term of such family's eligibility  
40 previously received state funded adoption services as provided for in Code  
41 Section 49-5-8;

42 (iv) Was adopted from the permanent legal custody of and placed for adoption by the  
43 Division of Family and Children Services following the child's fourteenth birthday,  
44 including any such individual who, at the time of application to an eligible  
45 postsecondary institution, resides outside of Georgia due to such placement;

46 (v) Is a former foster child who was in the custody of the Division of Family and  
47 Children Services for at least six months after reaching the age of 14 years; or

48 (vi) Is an aging foster child as such term is defined in Code Section 48-7-29.24.

49 (3) 'Georgia Foster Care Scholarship' or 'grant' means the grant provided for in this part.

50 (4) 'Grant coordinating organization' means a nonprofit organization that is a qualified  
51 organization as such term is defined in Code Section 48-7-29.24 and has, within the prior  
52 calendar year, made qualified expenditures as such term is defined in such Code section  
53 for the direct benefit of no fewer than 100 aging foster children as such term is defined  
54 in such Code section.

55 20-3-672.

56 (a) Subject to appropriations made specifically for the purposes of this part, the Georgia  
57 Student Finance Authority shall establish the Georgia Foster Care Scholarship program to  
58 provide grants on a per-semester basis to eligible students for undergraduate level  
59 postsecondary education at eligible postsecondary institutions.

60 (b) The Georgia Student Finance Authority shall be authorized to provide for eligibility  
61 criteria and grant amounts as determined to be the most appropriate for particular eligible  
62 postsecondary institutions and its student population in accordance with this part and the  
63 rules and regulations of the Georgia Student Finance Authority. The Georgia Student

64 Finance Authority shall also establish criteria necessary for eligible students to continue  
65 to receive such grants in accordance with this part.

66 (c) The Georgia Student Finance Authority shall contract with a grant coordinating  
67 organization authorized to do business in this state to implement and administer the  
68 Georgia Foster Care Scholarship program; provided, however, that such contract shall  
69 require the grant coordinating organization to ensure that 100 percent of funds appropriated  
70 for such program shall be expended on grants to eligible students.

71 (d) The Georgia Student Finance Authority is authorized to define such terms and  
72 prescribe such rules, regulations, and procedures as may be reasonable and necessary to  
73 carry out the purposes of this part.

74 20-3-673.

75 (a) Subject to appropriations made specifically for the purposes of this part, to receive a  
76 Georgia Foster Care Scholarship, an eligible student shall:

77 (1) Complete a simplified application process established by the Georgia Student  
78 Finance Authority, which shall include completion of the Free Application for Federal  
79 Student Aid (FAFSA) to determine the level of need and eligibility for state and federal  
80 financial aid programs;

81 (2) Remain in good standing with the eligible postsecondary institution in which he or  
82 she is enrolled or to which he or she has been accepted for admission;

83 (3) Maintain satisfactory academic progress in accordance with the standards and  
84 practices used for federal Title IV programs by the eligible postsecondary institution at  
85 which the student is enrolled; and

86 (4) Comply with the rules, regulations, and procedures prescribed by the Georgia Student  
87 Finance Authority in accordance with this part.

88 (b) The total per-semester amount of a Georgia Foster Care Scholarship awarded to each  
89 eligible student shall not exceed the costs of the eligible student's tuition, room, board, meal

90 plan, and books associated with his or her matriculation at such student's eligible  
91 postsecondary institution less an amount equal to the total of any federal or other state  
92 grants, scholarships, or tuition waivers for which he or she is eligible to receive.

93 (c) In the event a student on whose behalf a Georgia Foster Care Scholarship is paid does  
94 not enroll as a full-time or part-time student for the academic semester for which the  
95 scholarship is paid, the eligible postsecondary institution shall make a refund to the  
96 Georgia Student Finance Authority in accordance with the rules and regulations of the  
97 Georgia Student Finance Authority.

98 20-3-674.

99 Each eligible postsecondary institution shall be subject to examination by the Georgia  
100 Student Finance Authority for the sole purpose of determining whether such institution has  
101 properly certified the cost of attendance, eligibility, and enrollment of students; accurately  
102 credited grants paid on behalf of such students; and properly complied with the rules and  
103 regulations established pursuant to this part; provided, however, that nothing in this part  
104 shall be construed to interfere with the authority of such institution to determine  
105 admissibility of students or to control its own curriculum, philosophy, purpose, or  
106 administration. In the event it is determined that an eligible postsecondary institution  
107 knowingly or through error certified an ineligible student to be eligible for a grant under  
108 this part, the amount of the grant paid to such institution pursuant to such certification shall  
109 be refunded by such institution to the Georgia Student Finance Authority. The Georgia  
110 Student Finance Authority may suspend an eligible postsecondary institution from  
111 receiving payments under this part if it fails to refund any moneys as required by this part.

112 20-3-675.

113 Any person applying for a grant under this part or assisting a person applying for a grant  
114 under this part who knowingly makes or furnishes any false statement or misrepresentation

115 for the purpose of enabling an ineligible student to wrongfully obtain a grant under this part  
116 shall be guilty of a misdemeanor.

117 20-3-676.

118 The Georgia Student Finance Authority shall be authorized to monitor, collect, and  
119 evaluate enrollment and student record data for the grant program established pursuant to  
120 this part. The Office of Planning and Budget, the Department of Education, and eligible  
121 postsecondary institutions shall cooperate with and provide data as necessary to the  
122 Georgia Student Finance Authority to facilitate the provisions of this Code section."

123 **SECTION 2.**

124 This Act shall become effective only if the Georgia Foster Care Scholarship program  
125 provided for in this Act is funded in an appropriations Act making specific reference to such  
126 program and shall become effective when funds so appropriated become available for  
127 expenditure.

128 **SECTION 3.**

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