

The Senate Committee on Education and Youth offered the following substitute to SB 124:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 require the State School Superintendent and the Department of Education to take all steps
3 reasonably necessary to implement guidance documents from a federal agency, including,
4 but not limited to, directives related to expanding educational freedom and opportunities for
5 families; to authorize the State Board of Education to adopt rules; to provide for definitions;
6 to make promise scholarship accounts available to students whose parent is an active duty
7 military service member stationed in Georgia, regardless of the school attendance zone in
8 which such students reside, subject to limitation; to provide for such limitation; to provide
9 for prioritization of such students; to provide for continued eligibility; to provide for related
10 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
14 Article 2 of Chapter 2, relating to the State School Superintendent, by revising Code
15 Section 20-2-37, which is reserved, as follows:

16 "20-2-37.

17 (a) As used in this Code section, the term:

18 (1) 'Federal agency' means the United States Department of Education or any other
19 agency, as such term is defined in 44 U.S.C. Section 3502.

20 (2) 'Guidance document' means any statement of general applicability issued by a federal
21 agency or by an official of such federal agency that sets forth a policy on a statutory,
22 regulatory, or technical issue or an interpretation of a statutory or regulatory issue;
23 provided, however, that such term shall not include a rule or other regulatory action that
24 has the force and effect of law promulgated in accordance with the notice and comment
25 rule-making requirements of the federal Administrative Procedure Act. Such term shall
26 include, but shall not be limited to, advisories, announcements, bulletins, circulars,
27 directives, letters, manuals, memoranda, notices, policy statements, and media, news, and
28 press releases. Such term shall encompass all guidance materials, regardless of format,
29 and shall include, but shall not be limited to, audio files and recordings; documents in
30 digital, electronic, or hard copy format; video files and recordings; internet posts; and
31 software applications. Such term shall be construed broadly to effectuate the purpose and
32 intent of this Code section.

33 (b) The State School Superintendent and the Department of Education shall take all steps
34 reasonably necessary to implement guidance documents from a federal agency, including,
35 but not limited to, directives related to expanding educational freedom and opportunities
36 for families.

37 (c) The State Board of Education shall be authorized to adopt rules as necessary to
38 implement the requirements of this Code section. Reserved."

39 **SECTION 2.**

40 Said title is further amended in Article 2 of Chapter 2B, relating to promise scholarship
41 accounts, by adding a new Code section to read as follows:

"20-2B-22.1.

(a) Except as provided in subsection (b) of this Code section, notwithstanding any provision of paragraph (2) or (3) of subsection (a) of Code Section 20-2B-22 or any other provision of law to the contrary, each student whose parent is an active duty military service member stationed in Georgia shall qualify for a promise scholarship account.

(b) Subject to subsection (c) of this Code section:

(1) No student shall qualify for the first time for a promise scholarship account exclusively pursuant to this Code section during any school year for which the amount of funds appropriated for the program is less than the amount of funds necessary to include all students who meet the family income requirement provided for in subparagraph (a)(5)(A) of Code Section 20-2B-22; and

(2) In the event that the amount of funds appropriated for the program exceeds the amount of funds necessary to include all students who meet the family income requirement provided for in subparagraph (a)(5)(A) of Code Section 20-2B-22, students who qualify for a promise scholarship account exclusively pursuant to this Code section shall be prioritized over students whose family income exceeds 400 percent of the federal poverty level as defined annually by the federal Office of Management and Budget.

(c) Provided that such student resides in Georgia, each student who has qualified for a promise scholarship account under this Code section shall continue to be eligible to receive account funds until such student returns to a public school, graduates from high school, or reaches the age of 20 years, or for special education students, reaches the age of 21 years."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 4.

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