

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

AS PASSED SENATE

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 having received his or her high school diploma or state
33 approved high school equivalency (HSE) diploma and has been accepted for
34 admission to an eligible postsecondary institution; and35 (C)(i) Is currently in the custody of the Georgia Division of Family and Children
36 Services; or37 (ii) Is currently participating in the Division of Family and Children Services
38 independent living program in accordance with applicable policies and procedures;
39 or

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

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

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

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

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

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

56 20-3-672.

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

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

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

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

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

75 20-3-673.

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

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

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

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

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

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

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

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

99 20-3-674.

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

113 20-3-675.

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

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

118 20-3-676.

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

124 **SECTION 2.**

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

129 **SECTION 3.**

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