

Senate Bill 124

By: Senators Still of the 48th, Dolezal of the 27th, Payne of the 54th, Anavitarte of the 31st, Kennedy of the 18th and others

**AS PASSED SENATE**

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 require the publication and reporting of certain information relating to federal  
6 guidance documents; to authorize the State Board of Education to adopt rules; to provide for  
7 definitions; to make promise scholarship accounts available to students whose parent is an  
8 active duty military service member stationed in Georgia, regardless of the school attendance  
9 zone in which such students reside, subject to limitation; to provide for such limitation; to  
10 provide for prioritization of such students; to provide for continued eligibility; to provide for  
11 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

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18 "20-2-37.

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

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

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

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

39 (c)(1) Within 15 calendar days of receiving a guidance document from a federal agency  
40 which the State School Superintendent or the State Board of Education deems relevant and  
41 applicable to the duties, responsibilities, or business of the Department of Education, the  
42 Department of Education shall publish such guidance document in accordance with the  
43 requirements of subsection (d) of this Code section.

44 (2) Within 45 calendar days of receiving a guidance document provided for in  
45 paragraph (1) of this subsection, the Department of Education shall include on the  
46 dedicated web page provided for in subsection (d) of this Code section a written response  
47 to such guidance document that includes, at a minimum:

48 (A) Each federal or state statute, regulation, or rule that is addressed either expressly  
49 or by reasonable implication, interpretation, or application in such guidance document;  
50 and

51 (B) A description of how such guidance document will be implemented or objected to.

52 (3) Within 15 calendar days of a guidance document provided for in paragraph (1) of this  
53 subsection being rescinded, the Department of Education shall:

54 (A) Clearly indicate on the dedicated web page provided for in subsection (c) of this  
55 Code section that such guidance document has been rescinded; and

56 (B) Add the rescinded guidance document along with the date such guidance document  
57 was rescinded to a separate and clearly identifiable list of rescinded guidance  
58 documents to be maintained on the dedicated web page provided for in subsection (c)  
59 of this Code section.

60 (d) All guidance documents and rescinded guidance documents which are required to be  
61 published by the Department of Education under subsection (c) of this Code section shall  
62 be published on a dedicated web page on the Department of Education's public website that  
63 is clearly identifiable, readily searchable using the search tool included on such public  
64 website, and accessible via a link that is included on the home page of such public website.

65 (e) the State School Superintendent shall report the above to the General Assembly  
66 annually.

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

69

## SECTION 2.

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

72 "20-2B-22.1.

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

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

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

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

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

93 **SECTION 3.**

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

96

**SECTION 4.**

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