

House Bill 1220

By: Representatives Ballard of the 147th, Efstration of the 104th, Hilton of the 48th, Jones of the 47th, and Donatucci of the 105th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to
2 student scholarship organizations, so as to revise provisions for student eligibility and
3 maximum scholarship amounts; to provide for military students and students with
4 Individualized Education Programs (IEPs), Section 504 Plans, or other designated
5 disabilities; to provide for such designation; to provide for related matters; to provide for an
6 effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student
10 scholarship organizations, is amended by revising paragraph (1) of Code Section 20-2A-1,
11 relating to definitions, as follows:

12 "(1) 'Eligible student' means a student who is a Georgia resident who, immediately prior
13 to receiving a scholarship or tuition grant under Code Section 20-2A-2 and enrolling in
14 a qualified school or program, was enrolled in and attended for at least six weeks a
15 Georgia secondary or primary public school or who is eligible to enroll in a qualified first
16 grade, kindergarten program, or pre-kindergarten program; provided, however, that, if a

17 student is deemed an eligible student pursuant to this paragraph, he or she shall continue
18 to qualify as such until he or she graduates, reaches the age of 20, or returns to a public
19 school, whichever occurs first; and provided, further, that the enrollment and six-week
20 public school attendance requirements shall be waived in the case of a student whose
21 parent is an active duty military service member stationed in Georgia during the previous
22 year; a student with an Individualized Education Program (IEP) or a Section 504 Plan or
23 who has been diagnosed with dyslexia, autism spectrum disorder, speech-language delay
24 and disorder, hearing loss, or another intellectual and developmental disability designated
25 by the Department of Education pursuant to Code Section 20-2A-2; or a student who,
26 based on the school attendance zone of his or her primary residence, is or would be
27 assigned to a public school that the Office of Student Achievement determines to be a
28 low-performing school, who is the subject of officially documented cases of school based
29 physical violence or student related verbal abuse threatening physical harm, or who was
30 enrolled in a home study program meeting the requirements of subsection (c) of Code
31 Section 20-2-690 for at least one year immediately prior to receiving a scholarship or
32 tuition grant under Code Section 20-2A-2."

33 **SECTION 2.**

34 Said chapter is further amended by revising paragraph (1) of Code Section 20-2A-2, relating
35 to requirements for student scholarship organizations, as follows:

36 "(1) With respect to the first \$1.5 million of its annual revenue received from donations
37 for scholarships or tuition grants, including interest earned on deposits and investments
38 of scholarship funds or tuition grants, shall obligate at least 92 percent of such revenue
39 for scholarships or tuition grants; with respect to its annual revenue received from
40 donations for scholarships or tuition grants in excess of \$1.5 million and up to and
41 including \$10 million, including interest earned on deposits and investments of
42 scholarship funds or tuition grants, shall obligate at least 94 percent of such revenue for

43 scholarships or tuition grants; with respect to its annual revenue received from donations
44 for scholarships or tuition grants in excess of \$10 million and up to and including \$20
45 million, including interest earned on deposits and investments of scholarship funds or
46 tuition grants, shall obligate at least 95 percent of such revenue for scholarships or tuition
47 grants; and, with respect to its annual revenue received from donations for scholarships
48 or tuition grants in excess of \$20 million, including interest earned on deposits and
49 investments of scholarship funds or tuition grants, shall obligate at least 96 percent of
50 such revenue for scholarships or tuition grants. On or before the end of the calendar year
51 following the calendar year in which a student scholarship organization receives revenues
52 from donations and obligates them for the awarding of scholarships or tuition grants, the
53 student scholarship organization shall designate the obligated revenues for specific
54 student recipients. Once the student scholarship organization designates obligated
55 revenues for specific student recipients, in the case of multiyear scholarships or tuition
56 grants, the student scholarship organization may distribute the entire obligated and
57 designated revenues to a qualified school or program to be held in accordance with
58 Department of Revenue rules for distribution to the specified recipients during the years
59 in which the recipients are projected in writing by the private school to be enrolled at the
60 qualified school or program. In making a multiyear distribution to a qualified school or
61 program, the student scholarship organization shall require that if the designated student
62 becomes ineligible or for any other reason the qualified school or program elects not to
63 continue disbursement of the multiyear scholarship or tuition grant to the designated
64 student for all the projected years, then the qualified school or program shall immediately
65 return the remaining funds to the student scholarship organization. Once the student
66 scholarship organization designates obligated revenues for specific student recipients, in
67 the case of multiyear scholarships or tuition grants for which the student scholarship
68 organization distributes the obligated and designated revenues to a qualified school or
69 program annually rather than the entire amount, if the designated student becomes

70 ineligible or for any other reason the student scholarship organization elects not to
71 continue disbursement for all years, then the student scholarship organization shall
72 designate any remaining previously obligated revenues for a new specific student
73 recipient on or before the end of the following calendar year. Unless the student has an
74 Individualized Education Program (IEP) or a Section 504 Plan or has been diagnosed
75 with dyslexia, autism spectrum disorder, speech-language delay and disorder, hearing
76 loss, or another intellectual and developmental disability (IDD) designated by the
77 Department of Education pursuant to this paragraph, the The maximum scholarship
78 amount given by the student scholarship organization in any given year shall not exceed
79 the average state and local expenditures per student in fall enrollment in public
80 elementary and secondary education for this state. The Department of Education shall
81 determine and publish such amount and such designated IDDs annually, no later than
82 January 1;”

83 **SECTION 3.**

84 This Act shall become effective upon its approval by the Governor or upon its becoming law
85 without such approval and shall apply to all taxable years beginning on or after January 1,
86 2026.

87 **SECTION 4.**

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