

House Bill 1220 (COMMITTEE SUBSTITUTE)

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 require the Department of Education to
6 publish a current list of participating schools and the medical or behavioral conditions that
7 each school is either currently accommodating or is able to accommodate; to provide for
8 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "(1) 'Eligible student' means a student who is a Georgia resident who, immediately prior
16 to receiving a scholarship or tuition grant under Code Section 20-2A-2 and enrolling in

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

36 **SECTION 2.**

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

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

43 donations for scholarships or tuition grants in excess of \$1.5 million and up to and
44 including \$10 million, including interest earned on deposits and investments of
45 scholarship funds or tuition grants, shall obligate at least 94 percent of such revenue for
46 scholarships or tuition grants; with respect to its annual revenue received from donations
47 for scholarships or tuition grants in excess of \$10 million and up to and including \$20
48 million, including interest earned on deposits and investments of scholarship funds or
49 tuition grants, shall obligate at least 95 percent of such revenue for scholarships or tuition
50 grants; and, with respect to its annual revenue received from donations for scholarships
51 or tuition grants in excess of \$20 million, including interest earned on deposits and
52 investments of scholarship funds or tuition grants, shall obligate at least 96 percent of
53 such revenue for scholarships or tuition grants. On or before the end of the calendar year
54 following the calendar year in which a student scholarship organization receives revenues
55 from donations and obligates them for the awarding of scholarships or tuition grants, the
56 student scholarship organization shall designate the obligated revenues for specific
57 student recipients. Once the student scholarship organization designates obligated
58 revenues for specific student recipients, in the case of multiyear scholarships or tuition
59 grants, the student scholarship organization may distribute the entire obligated and
60 designated revenues to a qualified school or program to be held in accordance with
61 Department of Revenue rules for distribution to the specified recipients during the years
62 in which the recipients are projected in writing by the private school to be enrolled at the
63 qualified school or program. In making a multiyear distribution to a qualified school or
64 program, the student scholarship organization shall require that if the designated student
65 becomes ineligible or for any other reason the qualified school or program elects not to
66 continue disbursement of the multiyear scholarship or tuition grant to the designated
67 student for all the projected years, then the qualified school or program shall immediately
68 return the remaining funds to the student scholarship organization. Once the student
69 scholarship organization designates obligated revenues for specific student recipients, in

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

86 **SECTION 3.**

87 Said chapter is further amended by revising Code Section 20-2A-6, relating to maintenance
 88 of list on website, as follows:

89 "20-2A-6.

90 The Department of Education shall maintain on its website:

91 (1) A a current list of all student scholarship organizations which have provided notice
 92 pursuant to paragraph (6) of Code Section 20-2A-2; and

93 (2) A current list of participating schools and the medical or behavioral conditions each
 94 such participating school is either currently accommodating or is able to accommodate."

95 **SECTION 4.**

96 This Act shall become effective upon its approval by the Governor or upon its becoming law
97 without such approval and shall apply to all taxable years beginning on or after January 1,
98 2026.

99 **SECTION 5.**

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