

The Senate Committee on Education and Youth offered the following substitute to HB 634:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the
2 "Georgia Special Needs Scholarship Act," so as to revise provisions for expedited completion
3 of a student's first Individualized Education Program; to provide for calculating maximum
4 scholarship amounts for certain students; to provide for electronic deposits; to provide for
5 a compliance form; to provide for deadlines by which the Department of Education shall
6 publish certain information; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Georgia
11 Special Needs Scholarship Act," is amended by revising subsections (a) and (f) of Code
12 Section 20-2-2116, relating to amount of scholarship and method of payments, as follows:
13 "(a) The maximum scholarship granted a scholarship student pursuant to this article shall
14 be an amount equivalent to the costs of the educational program that would have been
15 provided for the student in the resident school system as calculated under Code
16 Section 20-2-161 and, if a scholarship student has an Individualized Education Program

17 (IEP), based upon services specified in the Individualized Education Program in place at
18 the time of the most recent enrollment count, as described in Code Section 20-2-160;
19 provided, however, that, in the case of a student whose first Individual Education Program
20 was expedited as provided for in subparagraph (a)(3)(A) of Code Section 20-2-2114 but
21 was not in effect at the time of the most recent enrollment count, the initial calculation of
22 the maximum scholarship amount shall be based upon services specified in the
23 Individualized Education Program in place at the time such Individualized Education
24 Program takes effect; and provided, further, that such initial calculation shall be revised
25 based upon services specified in the Individualized Education Program in place at the time
26 of the next enrollment count. In the event that changes in services were made and
27 implemented in a scholarship student's Individualized Education Program after the most
28 recent enrollment count, the department may modify such student's record to reflect
29 services provided to such student and shall determine whether such changes would require
30 a modification in such scholarship student's maximum scholarship amount. The
31 department shall develop a process for making such determinations and for modifying
32 scholarship amounts when necessary. This shall not include any federal funds."

33 "(f) Payment to the parents ~~must~~ shall be made by individual warrant made payable to the
34 student's parent. The department shall electronically deposit payments that have been
35 restrictively endorsed by parents into the account of such school; provided, however, that
36 in the event an electronic deposit cannot be made, such payment may be ~~and~~ mailed by the
37 department to the participating school of the parent's choice, and the parent shall
38 restrictively endorse the warrant to the participating school for deposit into the account of
39 such school."

40 SECTION 2.

41 Said article is further amended by revising subsections (a) and (b) of Code
42 Section 20-2-2117, relating to adoption and promulgation of rules, immunity from liability

43 for scholarship decisions, and schools may be barred from program participation for certain
44 actions, as follows:

45 "(a) The board shall adopt rules to administer the program regarding student eligibility,
46 eligibility and participation of participating schools, including, but not limited to, timelines
47 that will maximize student and public and private school participation, the calculation and
48 distribution of scholarships to eligible students and participating schools, ~~and~~ the
49 application and approval procedures for eligible students and participating schools, the
50 transparency of the program, and ensuring public awareness of the program and its impacts.
51 ~~The department shall develop and utilize a compliance form for completion by~~
52 ~~participating schools. The department shall be authorized to require any pertinent~~
53 ~~information as it deems necessary from participating schools for the purpose of~~
54 ~~implementing the program. Participating schools shall be required to complete such forms~~
55 ~~and certify their accuracy.~~

56 (b)(1) ~~The board shall adopt rules to administer the program regarding student eligibility,~~
57 ~~transparency, and awareness of the impact of the program, including, but not limited to,~~
58 ~~the following:~~ The department shall develop and utilize a compliance form for
59 completion by participating schools. The department shall be authorized to require any
60 pertinent information as it deems necessary from participating schools for the purpose of
61 implementing the program. Participating schools shall be required to complete such
62 forms and certify the accuracy of the information contained therein.

63 (1)(2) ~~The department shall conduct an annual survey of participating parents'~~
64 ~~satisfaction with the program, their satisfaction with the private school, and their~~
65 ~~likelihood of recommending the program. Survey results shall be collected using only~~
66 ~~numerical measures and made publicly available in the annual report provided for in~~
67 ~~Code Section 20-2-2118; and,~~

68 (2)(3) ~~The department shall post on its publicly accessible public website the basic unit~~
69 ~~cost for general instructional programs as a minimum estimate for scholarship amounts.~~

70 Each year, as soon as practicable but no later than July 15, the The department shall
71 provide parents of scholarship students the actual scholarship amounts ~~upon appropriation~~
72 ~~of state funds to the department for disbursement.~~ Within 30 calendar days of receipt of
73 the actual scholarship amount, a parent of a scholarship student who believes that such
74 student's program weights have been incorrectly reported by the local school system,
75 including, but not limited to, services or segments that are included in the student's
76 Individualized Education Program but were not recorded as part of such final enrollment
77 count, may make a request in writing to the department for a review of the accuracy of
78 the local school system's reported program weights. The department shall provide a
79 written response within 30 days of receipt of the parent's written request."

80

SECTION 3.

81 Said article is further amended by revising Code Section 20-2-2118, relating to annual report,
82 as follows:

83 "20-2-2118.

84 The Office of Student Achievement, in conjunction with the department, shall provide the
85 General Assembly not later than December 1 of each year with a report regarding the
86 scholarship program for the previous fiscal year. The report shall include, but not be
87 limited to, numbers and demographics of students participating, disaggregated by student
88 age, grade level, gender, race, ethnicity, and eligibility for free or reduced price meals
89 under federal guidelines at the time each student commenced participating in the program;
90 and numbers of participating schools; and the medical or behavioral conditions the
91 participating school is either currently accommodating or is able to accommodate. Such
92 report shall also be posted on the Office of Student Achievement's public website."

93

SECTION 4.

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