

House Bill 1059

By: Representatives Ehrhart of the 36th, Tankersley of the 160th, Silcox of the 52nd, Taylor of the 173rd, and Mathiak of the 73rd

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,
2 relating to the Georgia Special Needs Scholarship Act, so as to revise the prior school year
3 requirement; to revise eligibility for students; to revise the basis for calculating scholarship
4 amounts; to require annual parent surveys and a complaint procedure for scholarship
5 calculations; to provide for related matters; to provide an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
10 Georgia Special Needs Scholarship Act, is amended by revising Code Section 20-2-2113,
11 relating to annual notification of options available to parents of special needs students, as
12 follows:

13 "20-2-2113.

14 (a) The resident school system shall provide specific written notice of the options available
15 under this article to the parent at the initial Individualized Education Program (IEP)
16 meeting in which a disability of the parent's child is identified. Thereafter, the resident
17 school system shall annually notify prior to the beginning of each school year the parent
18 of a student with a disability by letter, electronic means, or by such other reasonable means
19 in a timely manner of the options available to the parent under this article.

20 (b)(1) The parent may choose for the student to attend another public school within the
21 resident school system which has available space and which has a program with the
22 services agreed to in the student's existing ~~individualized education program~~
23 Individualized Education Program. If the parent chooses this option, then the parent shall
24 be responsible for transportation to such school. The student may attend such public
25 school pursuant to this paragraph until the student completes all grades of the school,

26 graduates, or reaches the age of 21, whichever occurs first, in accordance with federal and
27 state requirements for disabled students;

28 (2) The parent may choose to enroll the student in and transport the student to a public
29 school outside of the student's resident school system which has available space and
30 which has a program with the services agreed to in the student's existing ~~individualized~~
31 ~~education program~~ Individualized Education Program. The nonresident public school
32 system may accept the student, and if it does, such system shall report the student for
33 purposes of funding to the department;

34 (3) The parent may choose for the student to attend one of the state schools for the deaf
35 and blind operated by the State Board of Education, if appropriate for the student's needs.
36 Funding for such students shall be provided in accordance with Code Section 20-2-302;
37 or

38 (4) The parent may request and receive from the department a scholarship for the student
39 to enroll in and attend a participating private school in accordance with this article."

40 **SECTION 2.**

41 Said article is further amended by revising subsection (a) of Code Section 20-2-2114, relating
42 to qualifications for scholarship, financial responsibility, state-wide assessments, exception,
43 and compliance, as follows:

44 "(a) A student shall qualify for a scholarship under this article if:

45 (1) The student's parent currently resides within Georgia and has been a Georgia resident
46 for at least one year; provided, however, that the one-year requirement shall not apply if
47 the student's parent is an active duty military service member stationed in Georgia within
48 the previous year;

49 (2) The student has one or more of the following disabilities:

50 (A) Autism;

51 (B) Deaf/blind;

52 (C) Deaf/hard of hearing;

53 (D) Emotional and behavioral disorder;

54 (E) Intellectual disability;

55 (F) Orthopedic impairment;

56 (G) Other health impairment;

57 (H) Specific learning disability;

58 (I) Speech-language impairment;

59 (J) Traumatic brain injury; ~~or~~

60 (K) Visual impairment; or

61 (L) Physical or mental impairment that substantially limits one or more major life
 62 activities, or a record of such an impairment, or is regarded as having such an
 63 impairment;

64 (3) The student:

65 (A) Has spent the prior school year in attendance at a Georgia public school or
 66 receiving preschool special education or related services pursuant to Section 619 of Part
 67 B of the federal Individuals with Disabilities Education Act; provided, however, that
 68 this requirement shall not apply if:

69 (i) The ~~the~~ student's parent is an active duty military service member stationed in
 70 Georgia within the previous year; or

71 (ii) The student has been adopted or placed in a permanent guardianship from foster
 72 care pursuant to an order issued by a court of competent jurisdiction within the
 73 previous year; and

74 (B) Has an Individualized Education Program written in accordance with federal and
 75 state laws and regulations; provided, however, that the State Board of Education shall
 76 be authorized to require a local board of education to expedite the development of an
 77 Individualized Education Program and to waive the prior school year requirement
 78 contained in subparagraph (A) of this paragraph, in its sole discretion, on a case-by-case
 79 basis for specific medical needs of the student upon the request of a parent or guardian
 80 in accordance with state board procedures. If an expedited Individualized Education
 81 Program is required by the state board pursuant to this subparagraph, the state board
 82 may additionally require such expedited process to be completed prior to the beginning
 83 of the school year. ~~The State Board of Education shall provide an annual report by~~
 84 ~~December 31 of each year through December 31, 2015, regarding the number of~~
 85 ~~waivers approved pursuant to this paragraph to the General Assembly;~~

86 (4) The parent obtains acceptance for admission of the student to a participating school;
 87 and

88 (5) The parent submits an application for a scholarship to the department no later than
 89 the deadline established by the department; provided, however, that the department shall
 90 provide application deadline opportunities on September 15, December 15, and February
 91 15 of each school year for a student to transfer."

92 **SECTION 3.**

93 Said article is further amended by revising subsection (a) of Code Section 20-2-2116, relating
 94 to amount of scholarship and method of payments, as follows:

95 "(a) The maximum scholarship granted a scholarship student pursuant to this article shall
 96 be an amount equivalent to the costs of the educational program that would have been

97 provided for the student in the resident school system as calculated under Code Section
 98 20-2-161 and, if a scholarship student has an Individualized Education Program, based
 99 upon services specified in the Individualized Education Program in place at the time of the
 100 most recent enrollment count, as described in Code Section 20-2-160. This shall not
 101 include any federal funds."

102 SECTION 4.

103 Said article is further amended by revising Code Section 20-2-2117, relating to adoption and
 104 promulgation of rules, immunity from liability for scholarship decisions, and schools barred
 105 from program participation for certain actions, as follows:

106 "20-2-2117.

107 (a) The board shall adopt rules to administer the program regarding eligibility and
 108 participation of participating schools, including, but not limited to, timelines that will
 109 maximize student and public and private school participation, the calculation and
 110 distribution of scholarships to eligible students and participating schools, and the
 111 application and approval procedures for eligible students and participating schools. The
 112 department shall develop and utilize a compliance form for completion by participating
 113 schools. The department shall be authorized to require any pertinent information as it
 114 deems necessary from participating schools for the purpose of implementing the program.
 115 Participating schools shall be required to complete such forms and certify their accuracy.

116 (b) The board shall adopt rules to administer the program regarding transparency and
 117 awareness of the impact of the program, including the following:

118 (1) The department shall conduct an annual survey of participating parents' satisfaction
 119 with the program, their satisfaction with the private school, and their likelihood of
 120 recommending the program. Survey results shall be reported to the board and shall be
 121 subject to public review and comment;

122 (2) Upon request by a parent, the department shall provide to the parent a written
 123 calculation of the estimated or actual scholarship amount for the parent's student within
 124 14 calendar days. Within 30 calendar days of receiving said written calculation, a parent
 125 shall be allowed to submit a written request for recalculation, along with any supporting
 126 information. The department shall respond to such request within 14 calendar days. If
 127 after a parent submits such a written request the calculation is not changed, the parent
 128 may file a complaint with the department within 14 calendar days of being notified that
 129 the amount will not change. The complaint shall be submitted in writing and provide a
 130 clear explanation of why the parent believes the calculation should be changed, along
 131 with any supporting information. Within 14 calendar days of receipt of the complaint,

132 the department shall provide the parent with a written response. The final decision of the
133 department shall not be appealable except as otherwise provided by law; and

134 (3) The department shall annually report to the board in writing the total number of
135 complaints submitted pursuant to paragraph (2) of this subsection and the total number
136 of said complaints resolved, in whole or in part, by a recalculation of the scholarship
137 amount at issue in favor of the scholarship student.

138 (c) No liability shall arise on the part of the department or the state or of any local board
139 of education based on the award or use of a scholarship awarded pursuant to this article.

140 ~~(c)~~(d) The department may bar a school from participation in the program if the
141 department determines that the school has intentionally and substantially misrepresented
142 information or failed to refund to the state any scholarship overpayments in a timely
143 manner."

144 **SECTION 5.**

145 This Act shall become effective on July 1, 2020.

146 **SECTION 6.**

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