

House Bill 142

By: Representatives Bell of the 58th and Oliver of the 82nd

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 require that otherwise eligible schools or programs
3 maintain nondiscriminatory practices in order to qualify to receive scholarship
4 disbursements; to provide for a short title; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Anti-discrimination Act."

9 **SECTION 2.**

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

13 "20-2A-1.

14 As used in this chapter, the term:

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 who, based
24 on the school attendance zone of his or her primary residence, is or would be assigned to
25 a public school that the Office of Student Achievement determines to be a

26 low-performing school, who is the subject of officially documented cases of school based
 27 physical violence or student related verbal abuse threatening physical harm, or who was
 28 enrolled in a home study program meeting the requirements of subsection (c) of Code
 29 Section 20-2-690 for at least one year immediately prior to receiving a scholarship or
 30 tuition grant under Code Section 20-2A-2.

31 (2) 'Qualified school or program' means a nonpublic pre-kindergarten program, primary
 32 school, or secondary school that:

33 (A) Is accredited or in the process of becoming accredited by one or more entities
 34 listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519; ~~and~~

35 (B) Is located in this state, adheres to the provisions of the federal Civil Rights Act of
 36 1964, and satisfies the requirements prescribed by law for private schools in this state;;
 37 and

38 (C) Does not discriminate in hiring or admission on the basis of actual or perceived
 39 race, color, religion, sex, national origin, gender, sexual orientation, disability, or
 40 gender identity as defined in 18 U.S.C. Section 249(c)(4).

41 (3) 'Student scholarship organization' means a charitable organization in this state that:

42 (A) Is exempt from federal income taxation under Section 501(c)(3) of the Internal
 43 Revenue Code and obligates for scholarships or tuition grants at least 90 percent of its
 44 annual revenue received from donations for scholarships or tuition grants to allow
 45 students to attend any qualified school or program of their parents' choice; and

46 (B) Provides educational scholarships or tuition grants to eligible students without
 47 limiting availability to only students of one school."

48 **SECTION 3.**

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