



Summary

SB 361 would amend substantially the Georgia Special Needs Scholarship Act (“Act”), which established Georgia’s scholarship program for special needs students. The purpose of this program, as stated in the Act, is to “[tailor] a student's education to that student's specific needs and enabling families to make genuine and independent private choices to direct their resources to appropriate schools.” O.C.G.A. 20-2-2111(4).

SB 361 would make the following changes to the Act:

- 1) The bill would change the name of the Act and, thus, the name of the scholarship created by the Act to the “Georgia Early HOPE Scholarship.”
- 2) SB 361 would expand eligibility for the scholarship by including within the Act a definition of the phrase ‘eligible student’ and by listing as eligible for the scholarship not only *students with disabilities* who are under 21 years old (SB 361 would define ‘students with disabilities’ as it was defined in the original Act, but would add to the category any student who is in the psycho-educational program), but also *Section 504 students* who are under 21 old (any student who is eligible for services under Section 504 of the Federal Rehabilitation Act of 1973 and who has a Section 504 plan written by the school), *foster care students* who are under 20 years old (any student who is or has been in a foster home or otherwise in a state-regulated foster care system), and *military family students* who are under 20 years old (any **dependent child** who has a **biological parent, legal guardian, custodian, or other person with legal authority to act on the child’s behalf** who is **in the military on active duty or in the national guard or reserves**).
- 3) SB 361 **would impose upon school systems an affirmative obligation to notify parents of eligible students of the students’ available options under the Act. This notification would be made electronically or by an automated phone system (if the school system utilizes one).** The notification would direct the parent to a newly-created website. When applicable, the school system also would have an affirmative obligation to notify parents at IEP and Section 504 meetings of an eligible student’s options under this Act.
- 4) In cases where the eligible student is attempting to enroll in a school outside of his or her resident school system, SB 361 gives these schools “sole discretion” to accept the student.
- 5) SB 361 would no longer require an eligible student’s parent to currently reside in Georgia and have resided for at least one year. Instead, an eligible student would qualify for the scholarship as long as he or she has spent the prior school year in attendance at a Georgia public school.

6) SB 361 would increase the number of scholarship application deadlines to five deadlines in each school year (August 1, October 1, January 1, and March 1), thereby providing eligible students a chance to transfer at almost any time throughout the school year.

7) SB 361 would lessen the schools' eligibility requirements by imposing a credentials requirement (bachelor's degree or higher and at least three years' experience in education or health) only upon *participating schools that receive one or more scholarship students with disabilities*. In other words, under SB 361 as currently drafted, schools accepting eligible students who fall into the Section 504, foster care, and military family categories would not be subjected to a credentials requirement under this Act. *The credentials requirement only would apply to schools that receive one or more eligible students with disabilities.*

8) SB 361 would eliminate a participating school's obligation to apply for the program – a participating school only would have to notify the Department of Education of its intention to enroll scholarship students.

9) SB 361 amends the original Act in that it explicitly states that the Act “shall not be construed to adhere to the requirements of either the Federal Individuals with Disabilities Education Act or Section 54 of the Federal Rehabilitation Act of 1973 or to prevent a participating school from providing single-sex education.”

10) SB 361 increases the maximum scholarship funding available to an eligible student by including “a proportional share of state categorical grants, non-QBE state grants, state equalization grants, and all other state grants and a proportional share of funding for transportation, food services, and building programs.”

11) SB 361 refines the process by which scholarships are paid. It sets forth a provision that quarterly payments will be in equal amounts, payable on or before certain dates. It also sets forth a provision addressing how a scholarship student will be paid should the student miss a payment date or should the Department of Education fail to meet a payment deadline.