

Special Needs Scholarship Program
Georgia Department of Education Responsibilities

Senate Bill 10 as signed into law on May 18, 2007 created the Georgia Special Needs Scholarship Program codified in O.C.G.A. § 20-2-2110 through § 20-2-2118 allows eligible special needs students to transfer to another public school, public school district, state school, or authorized participating private school.

DEFINITIONS and ACRONYMS USED IN THIS DOCUMENT

Americans with Disabilities Act, Amendments Act of 2008- a federal law, codified at 42 U.S.C. § 12101, et seq, that was enacted to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

Authorized private school – a private school that has submitted a completed application to the GaDOE, complies with all program requirements, and has been authorized by the State Board of Education to participate in the Georgia Special Needs Scholarship Program.

Eligibility – all students who meet the requirements under O.C.G.A. § 20-2-2114.

Family Educational Rights and Privacy Act (FERPA) – the Family Educational Rights and Privacy Act 20 USC § 1232 (g).

Full-time Equivalent (FTE) – a student count consisting of six state funded segments per student authorized under O.C.G.A. § 20-2-161.

GaDOE- refers to the Georgia Department of Education.

Georgia Special Needs Scholarship (GSNS) – the Georgia Special Needs Scholarship Program, O.C.G.A. § 20-2-2110 through O.C.G.A. § 20-2-2118. The GSNS Program allows parents of eligible special needs students to transfer their children to another public school, public school system, state school, or authorized participating private school within Georgia.

GNETS- refers to Georgia Network for Educational and Therapeutic Support.

Individuals with Disabilities Education Act (IDEA) - the federal law, codified at 20 U.S.C. § 1400, et seq, enacted to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies, and federal agencies to provide for the education of students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities.

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Individualized Education Program (IEP) – a written statement for each student with a disability that is developed, reviewed, and revised in accordance with Individuals with Disabilities Education Act, 20 U.S.C. § 1414(d).

Parent– a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of a child.

Prior school year in attendance – the reporting of a student as enrolled in a public school for funding purposes during the preceding October and March full-time equivalent (FTE) program counts in accordance with § O.C.G.A. 20-2-160.

Private school – schools meeting requirements under O.C.G.A. § 20-2-2112(6) and § 20-2-2115.

Quality Basic Education Formula (QBE Formula) –the State of Georgia funding formula used for determining the amount of state education funds a school district earns annually as described in O.C.G.A. § 20-2-161.

Resident School District – the public school district in which the student would be enrolled based on his or her residence.

Scholarship – a Georgia Special Needs Scholarship awarded pursuant to O.C.G.A. § 20-2-2114 and § 20-2-2116. A scholarship is received when a parent enrolls an eligible student in a private school participating in the GSNS Program.

State School- the Atlanta Area School for the Deaf, Georgia Academy for the Blind or the Georgia School for the Deaf.

GaDOE RESPONSIBILITIES

The Georgia Department of Education (GaDOE) has a number of responsibilities to ensure eligible students are able to participate in the school options offered under the Georgia Special Needs Scholarship Program. Specifically, the GaDOE must:

GaDOE Responsibility 1: Create public school choice transfer form annually and makes it available to parent(s) on the GaDOE web site.

GaDOE Responsibility 2: Work with parent(s) and a school district when a request is made by parent(s) to transfer a student to a State School (Georgia Academy for the Blind, Atlanta Area School for the Deaf, Georgia School for the Deaf).

- a. Students with the primary exceptionality of visual and/or individuals who are deaf or hard of hearing may qualify for transfer to a State School.

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- b. The GaDOE will work with parent(s) and a school district to determine if a transfer to a State School is an appropriate placement based on the needs of the student as outlined in the IEP.

GaDOE Responsibility 3: Assist parents to determine a student's eligibility by making a scholarship calculator available annually for parent(s).

- a. The GaDOE will calculate annual GSNS scholarship amounts for students newly entering the program based on an eligible student's segment information from the October (FTE-1) and March (FTE-3) data collection during a school year.
- b. Eligibility of a student for the GSNS Program is determined using the final FTE-1 and FTE-3 data records and final student record as submitted by a school district.
- c. Post scholarship calculator for parent(s) of potential GSNS students on the GSNS web site annually each year in July.

GaDOE Responsibility 4: Develop and apply objective criteria for authorizing potential private schools.

- a. The GaDOE annually makes available an application for private schools interested in participating in the Georgia Special Needs Scholarship for the upcoming fiscal year. The application will explain all criteria required to become a private school authorized to participate in the GSNS Program.
- b. The GaDOE develops and applies objective criteria for processing applications from private schools. GaDOE reviews applications internally to ensure private schools meet eligibility requirements as stated under O.C.G.A. § 20-2-2112 (6) and § 20-2-2115.
- c. The GaDOE recommends private schools that have submitted completed GSNS applications and meet the eligibility requirements outlined in the GSNS law to the State Board of Education for authorization.

GaDOE Responsibility 5: Provide, maintain, and make available to the public a current list of private schools authorized to participate in the GSNS Program. The list of authorized private schools is published on the GaDOE web site.

GaDOE Responsibility 6: Determine and issue annual scholarships for GSNS students participating in the private school choice option.

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- a. Annual scholarship amounts paid for GSNS students are dependent on annual appropriations by the Georgia General Assembly.
- b. The maximum scholarship granted a GSNS student pursuant is the amount equivalent to the costs of the educational program that would have been provided for the student in the resident school system as calculated under O.C.G.A. § 20-2-161.
- c. The GaDOE will verify GSNS student information submitted by private schools against internal FTE records submitted by school districts to verify eligibility of students for the GSNS Program enrolled at a private school.
- d. Per O.C.G.A. § 20-2-2114 (5)(b) and § 20-2-2116 (b) if tuition and fees charged by a private school are higher than a student's scholarship award, parent(s) is financially responsible for paying the additional cost. If tuition and fees charged by a private school are less than a student's scholarship award, the lesser amount will be paid by the GaDOE. The GSNS Program by law will always pay the lesser of the two amounts.
- e. A GSNS student must be enrolled and attending an authorized private school for a majority of school days during a payment cycle to be eligible to receive payment for that cycle. If a student withdraws from a private school and does not attend for a majority of a payment cycle and does not transfer to another authorized private school, no scholarship payment for the student will be issued. The payment calendar posted on the GSNS web page will indicate what the majority date is for each payment cycle of the current school year.

GaDOE Responsibility 7: Issue scholarship payments to parents of eligible GSNS students during a school year.

- a. The GaDOE will issue scholarship checks four times during a school year to parent(s) of students participating in the private school choice option. Amounts of scholarship payments will be determined as outlined in GaDOE responsibility 6.
- b. The GaDOE is authorized to make one payment per student per quarter and is not authorized to make any partial or retroactive payments outside the current fiscal year. Payment for each quarter is for instruction and services provided to a student.
- c. Scholarship checks issued by the GaDOE will be issued to parent(s) of record submitted by a private school.
- d. Scholarship checks will be mailed directly to a private school at the address provided by a private school.

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GaDOE Responsibility 8: Create check return form annually and makes it available to private schools on the GaDOE Website.

GaDOE Responsibility 9: The GaDOE, upon request, shall make available a report to school districts the number of students that have left the school district and the amount of funding lost due to students participating in the private school choice option.

GaDOE Responsibility 10: The GaDOE will annually report the number of students that have left GNETS schools and the amount of funding lost due to students participating in the private school choice option.

GaDOE Responsibility 11: The GaDOE will develop annually a GSNS compliance form for authorized private schools.

GaDOE Responsibility 12: The GaDOE will develop annually a GSNS assessment report form for authorized private schools to report the results of pre- and post-academic assessments administered to GSNS students.

GaDOE Responsibility 13: The GaDOE can monitor private schools participating in the GSNS Program.

- a. The GaDOE will schedule with a private school a mutually agreeable date and time for a monitoring visit. Prior to the monitoring visit, the GaDOE shall send to the private school, in writing, confirmation of the scheduled date and time. However, the GaDOE reserves the right to conduct on- site monitoring visits without prior notice.
- b. It is the private school's responsibility to ensure the location of the monitoring visit has workspace conducive for the monitoring visit unless the monitoring visit occurs at the GaDOE or another government agency (ex. library, school, etc.).
- c. The private school may request technical assistance from the GaDOE to prepare for the monitoring visit. Upon conclusion of the monitoring visit a monitoring report will be mailed to the private school. Upon receipt of the monitoring report the private school may again request technical assistance from the GaDOE to comply with all GSNS Program requirements, if needed.
- d. The GaDOE reserves the right to conduct unannounced monitoring visits when deemed appropriate or necessary. All monitoring procedures will be followed during an unannounced visit.
- e. The private school will have documentation to prove compliance with all applicable GSNS Program requirements on site at the date and time of monitoring. Failure to provide

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documentation of compliance with all GSNS Program requirements during the time and site of the monitoring visit will result in a finding of noncompliance.

- f. The GaDOE may request copies, make copies, or scan documents as evidence used for scoring each applicable GSNS Program requirement.
- g. The GaDOE will review all documentation and determine whether or not the private school is in compliance with GSNS Program requirements.

Refuting the GaDOE's Findings:

- a. If a private school believes it is complying with GSNS Program requirements, the private school can submit documentation to verify that it is in compliance with program requirements. Documentation can be sent via mail, email, or fax to the GaDOE.
- b. The GaDOE will consider the documentation submitted and notify the private school in writing of its final determination within 30 business days upon receipt of the documentation.

GaDOE Responsibility 14: The GaDOE shall develop and maintain a process for receiving complaints regarding a private school's compliance with the GSNS Program.

- a. The GaDOE shall develop a complaint form and make it available on the GaDOE web site.
- b. Within 10 business days of receipt of the complaint, the GaDOE will send a letter of acknowledgement to notify a complainant that the complaint has been received.
- c. The GaDOE will provide a copy of the complaint to the private school and invite the private school to submit a written response within 30 days.
- d. If a private school responds the GaDOE will provide a copy of the response to the complainant. Since participation in the complaint process is voluntary, the GaDOE cannot require a private school to respond.
- e. Complaints and complaint responses will be maintained by the GaDOE and made available to the public upon request. The GaDOE reserves the right to redact any confidential information from a complaint form or a response.
- f. If necessary, the GaDOE may conduct unannounced on-site visits to clarify any issues raised by the complaint.

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GaDOE Responsibility 15: Through O.C.G.A. § 20-2-2117(c) and State Board of Education Rule 160-5-1-.34(5)(i), the GaDOE has the authority to remove a private school from its list of private schools participating in the Georgia Special Needs Scholarship Program for failure by a private school to comply with any applicable state or federal law or regulation. The GaDOE may bar a school from participation in the GSNS Program for the following reasons:

- i. A private school fails to provide access to their school for the purpose of monitoring (See GaDOE Responsibility 13).
- ii. The GaDOE has determined that a school intentionally and substantially misrepresented information to parents, the GaDOE, or the public.
- iii. Loss of accreditation by a school's accrediting agency.
- iv. A school knowingly provided inaccurate information on its application.
- v. A school violated or did not meet any criteria on the assurances page of its application.
- vi. Failure of a school to refund to the state any scholarship overpayments in a timely manner.
- vii. Failure of a school to comply with 42 U.S.C. Section 2000d.
- viii. Failure of a school to comply with provision of O.C.G.A. § 20-2-690.
- ix. Failure of a school to comply with health and safety laws applying to private schools.
- x. Failure to provide requested information such as student enrollment information.
- xi. Failure to report to the GaDOE and/or parent(s) information on student academic progress.
- xii. Failure to employ teachers with required qualifications under GSNS law.
- xiii. Failure to report to parent(s) the relevant credentials of teachers.
- xiv. Failure to complete and submit annual compliance form to the GaDOE.
- xv. Failure to complete and submit annual assessment reporting form to the GaDOE.

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- xvi. Charging higher tuition and fee amounts only to GSNS student.
- xvii. Committing other violations determined by the GaDOE to constitute “cause” for removal.
 - a. The GaDOE will notify a private school in writing anytime it intends to remove a private school from the Authorized GSNS Private School List.
 - b. The GaDOE will ensure any private schools removed from the Authorized GSNS Private School List, is ineligible to re-apply to serve students as an authorized private school for the next two consecutive school years.
 - c. The GaDOE will provide the opportunity for a previously removed private school to re-apply to become a GSNS private school after a period of two consecutive school years. In the event the private school is removed from the Authorized GSNS Private School List a second time, the private school will be barred permanently from applying to become a private school participating in the GSNS Program.

GaDOE Responsibility 16- Develop guidance, assign a testing location, and administer state-wide assessments for GSNS students whose parents have chosen the private school choice option and request a student participates in state wide assessments.

- a. Pursuant to O.C.G.A. § 20-2-2114A (5)(c), a parent of a GSNS student attending a private school can request that a student participate in the Georgia Milestones Assessment System in the grade and subjects such tests are offered. School districts are not required to test scholarship students at their local facilities.