

Georgia Special Needs Scholarship Program Frequently Asked Questions (FAQs)

1. What is the Georgia Special Needs Scholarship Program?

The Georgia Special Needs Scholarship (GSNS) Program is a scholarship program for special education students created by Senate Bill 10 (SB-10) during the 2007 Georgia Legislative session.

2. When did the Georgia Special Needs Scholarship program go into effect?

The program went into effect on May 18, 2007, when Governor Perdue signed Senate Bill 10 (SB10) into law.

3. Will the GSNS program continue in future years?

The program will continue as long as the program is authorized and funded in state law.

4. How does an interested parent find out more about the scholarship?

Parent(s)/guardian(s) can find out more about the program by visiting the GSNS website at <http://public.doe.k12.ga.us/sb10.aspx>.

This site serves as the one stop shop for parent(s)/ guardian(s) and schools interested in the GSNS program.

5. When will the list of participating private schools be revised for the upcoming school year and made available to the public?

The list of participating private schools for the upcoming school year will be available on the GSNS website when new schools are authorized by the State Board of Education (SBOE) to participate. This happens annually between the April and August.

6. Which students are eligible for a Georgia Special Needs Scholarship Program?

The student's parent currently resides within Georgia and has been a Georgia resident for at least one year.

Student was enrolled and reported by a public school district or school districts for funding purposes during the October and March FTE program of the immediate preceding school year. In addition, a student's attendance at a Georgia public school for the immediate preceding school year will be verified to ensure student attended a Georgia public school for one full school year as required by law.

The student was served at any point during the immediate prior school year under an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations.

There are no exceptions to the eligibility criteria. Visit the GSNS website at <http://public.doe.k12.ga.us/sb10.aspx> for details.

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7. What options are available to an eligible student under the GSNS Program?

An eligible student with disabilities has several choice options available:

- Attendance at another public school within a student's school district that has space and can provide the services identified in the student's IEP;
- Attendance at an eligible public school in an adjacent school district that has space and provides the services identified in the student's IEP;
- Attendance at one of Georgia's three state schools for the deaf and blind; or
- Attendance at a private school participating in the GSNS program.

8. Are any students not eligible?

Yes.

The following students are not eligible for the program:

- Toddler and Pre-K students.
- Home school students.
- Students in residential treatment facilities.
- Students attending a Department of Juvenile Justice School.
- Students otherwise not eligible per GSNS law.

9. How long does a Georgia Special Needs Scholarship last?

A student may continue to receive a GSNS scholarship as long as the student:

- Remains a resident of Georgia; and
- Has continual enrollment and attendance in a private school participating in the GSNS program.

The GSNS scholarship ends once a student graduates from high school or if the student turns 21 years old and has not received a high school diploma.

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10. How is the scholarship amount for a student calculated?

The scholarship is State funded and is based on four factors:

1. Student information from the public school in October.
2. Disability type.
3. Severity of the disability as designated by the child's IEP team.
- 4 Level of service (1 – 5) child receives for each of the 6 segments of the school day.

You will need to speak with your child's school regarding the above if you are unsure about the services your child is specifically receiving.

11. How do I apply for a scholarship for my child?

There is no formal application process. Go to the GSNS website

<http://public.doe.k12.ga.us/sb10.aspx> and read the *Understanding the Program* in the "For Parents" box.

12. How does a parent/guardian file an *Intent to Participate* form for the GSNS Program?

A parent(s)/guardian(s) of only eligible students will file an *Intent to Participate* at the GSNS website <http://public.doe.k12.ga.us/sb10.aspx>. Submitting an intent form **DOES NOT** qualify a student for the program. It is not an application. It is only a way for the Georgia Department of Education to gauge participation for the upcoming school year. Only students who qualify for the GSNS program can receive a scholarship.

13. Is there a deadline for submitting an *Intent to Participate* form?

There is no deadline for submission of the intent form because it is not an application just an expression of interest.

14. Does a parent/guardian need to go through "due process" in order to receive a scholarship through the GSNS program?

No. Due process is not part of the eligibility process. A student is eligible as long as he/she meets the established eligibility criteria set in law.

15. Does a parent/guardian have to prove that the public school did not provide adequate services for their child?

No, such proof is not required to participate in the GSNS program.

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16. Once a student is participating in the GSNS program, does their IEP need to be kept up to date in order to continue their eligibility for the program?

No, the status of a student's IEP does not affect his/her eligibility for continued participation in the GSNS program. A student may continue to receive a GSNS scholarship as long as the student:

- Remains a resident of Georgia; and
- Has continual enrollment and attendance in a private school participating in the GSNS program.

The GSNS scholarship ends once a student graduates from high school or if the student turns 21 years old and has not received a high school diploma.

17. Who provides transportation for GSNS Students?

If a parent/guardian chooses to transfer their child to another public school or private school the parent/guardian is responsible for providing transportation.

18. Can private schools apply to participate in the program even if they do not have current students that qualify?

Yes. Nothing prevents private schools from applying to participate in the program before they have interested students.

19. Are all private schools required to participate in the GSNS Program?

No. Private schools are not required to participate in the GSNS program. However, participation is open to all private schools that wish to apply, as long as the school meets the eligibility criteria set forth by legislation and State Board of Education rules.

20. Will a private school's acceptance of GSNS students in any way hinder its ability to continue religious education at the school?

No.

21. What type of testing is a private school required to give GSNS students should it choose to accept them?

The legislation requires that private schools assess students using both a pre-test and post-test. The specific assessment type is a private school's decision.

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22. If a student attended a private school the immediate prior school year that did not participate in the GSNS program, will the student have to re-enter public school to be eligible for the scholarship in another private school in later years?

Yes. The law requires a student attended a Georgia public school the immediate school year prior to participation in the GSNS program and was served under an active IEP.

23. When are school systems required to tell special education parents about the scholarship program?

The law requires a local school district to annually notify the parent(s)/guardian(s) of a student with an IEP by letter, electronic means, or other reasonable means of the options available to the parent(s)/guardian(s) under the GSNS Program. Notification for the upcoming school year must take place no later than ten days prior to the last day of the current school year school.

24. As a parent/guardian, what do I need from the public school before they close this year in order to participate in the GSNS program for the upcoming school year?

Parent(s)/guardian(s) do not need anything from the public school to participate in the program.

25. If I fill out the *Intent to Participate* form, will my public school system be notified?

No. The school system will not be notified. The intent form is only to be completed by parent(s)/guardian(s) of eligible students.

26. Do private schools have to guarantee related services?

No.

27. I took my child out three weeks before the March FTE count. Can I get a partial scholarship?

No. The law explicitly requires reporting of the student in both the October and March counts of a given school year. In addition, a student's attendance at a Georgia public school for the immediate preceding school year will be verified to ensure student attended a Georgia public school for one full school year as required by law. There is no provision for a partial scholarship.

28. If my child was enrolled in private school during the previous school year, do we need to enroll him or her in a public school for a year in order to be eligible?

Yes. The student would need to enroll and attend a Georgia public school for the immediate school year prior to participating in the GSNS program and be served under an active IEP.

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29. Can a parent/guardian select a religiously based private school?

A scholarship can be used at any eligible participating private school, including religious schools that are on the GSNS participating private school list.

30. Will private schools have to account for federal and local funds?

No. Funds for the Georgia Special Needs Scholarship come only from state funding.

31. Does the law provide parents the choice of which public school their child can attend within their system regardless of attendance zone as long as the school has the capacity and offers a program aligned with their student's IEP?

Yes. Students, who meet the Georgia Special Needs Scholarship eligibility criteria in law, now have greater public choice options available to them.

However, each local school system will make the final decision regarding a parent(s)/guardian(s) request to transfer based on class size and school capacity. Go to the GSNS website at <http://public.doe.k12.ga.us/sb10.aspx> to locate the public school choice transfer request form and follow the directions found on the form.

32. What about parents seeking a public school transfer to another school or system?

Parent(s)/guardian(s) must apply directly to the public school system for to request a transfer using the transfer request form on the GSNS website <http://public.doe.k12.ga.us/sb10.aspx>.

33. Can a parent make an appointment to visit a potential public school of choice to observe the special education services and classes that are available?

You will need to call the school system office to inquire about such arrangements. State law does not provide for or prohibit such visits, so this will be a local school system's decision.

You can link to any school district from the Georgia Department of Education website <http://public.doe.k12.ga.us/sb10.aspx>

34. Can a parent/guardian move a child from a public school to a participating private school during the middle of the school year?

No. A student must have been enrolled and attending one of the GSNS participating private schools by the September deadline set by the Georgia Department of Education each year – **no exceptions.**

35. Can a parent move a child from a participating private school to a public school during the middle of the school year?

Yes. However, be aware that leaving a private school mid-year may not void your contract and related costs with the private school. You will need to discuss this with your private school before transferring. In addition, if a student returns to a public school he/she would forfeit the scholarship and be unable to participate in the GSNS program the following school year.

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36. What are the criteria neighboring school systems use to approve transfer requests?

There are two criteria in law: school capacity and IEP program alignment. Each local school and system will make their decision based on these two criteria.

37. How is capacity at a public school defined?

Capacity is defined two ways:

- a) The capacity of the school building based on established health and safety provisions; and
- b) The class-size capacity by grade and subject, based on state law and rule.

38. Can a state school student transfer to a public school and receive a scholarship?

No. A student can transfer to another public school, but as with any transfer to another public school, a scholarship is not necessary.

39. Can a state school student transfer to a participating private school?

Yes.

40. Can a public school student transfer to a state school?

Yes. However, only students with the primary exceptions of visual and/or hearing impairments can transfer to a State School. You would need to work with your local school and local school district regarding transferring to a State School.

41. Are kindergarten students eligible for the scholarship program?

No. Kindergarten students are not eligible for the scholarship because they were not enrolled and reported by a public school system during their Pre-K year for funding purposes during the October and March FTE reporting counts. If a student is repeating his/her kindergarten year, then he/she would be eligible to participate because he/she has been included in the student count.

42. If my child has always attended a private school, what is the process for applying to a public school and for being evaluated for special needs services and an IEP?

To inquire about enrollment, contact your school system office or neighborhood school and the special education director for your school system. The referral and evaluation process for special education services is a comprehensive process to identify the educational needs of the student.

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43. Can GSNS students, who have been accepted into an approved participating private school, attend a public school while they wait for the private school's first day of school?

No. Students who have been accepted into an approved participating private school must wait for the private school's first day of school. A student cannot be dually enrolled in a private school and public school. Students found to be dually enrolled will lose their eligibility for the GSNS program.

44. What are the procedures for selecting a public school in another district? Does the IEP apply? How do I choose another public school?

A parent/guardian must apply directly to the public school system for either the inter-district or intra-district transfer using the transfer request form on the GSNS website at <http://public.doe.k12.ga.us/sb10.aspx> and follow the directions found on the form.

45. Does the new public school I choose for my child to attend have to implement his/her IEP as it is written?

The local school system will provide Free and Appropriate Public Education (FAPE) as soon as the student transfers to the new school. They will then either implement the IEP as written, or develop a new IEP in conjunction with the IEP process that includes the parents.

46. If a parent chooses a public school in another county, does the student still have IEP rights?

Yes. All rights and entitlements follow the student to the new school, except transportation is not provided.

47. What is the award amount for a Georgia Special Needs Scholarship?

The amount of the scholarship is equal to the amount of state funds the public school system received for the special education student during the prior school year; or the amount of the private school's tuition and fees, **whichever is less.**

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48. Will the scholarship funds pay for private school fees in addition to the tuition?

Yes, the law provides for tuition and fees at an approved private school.

GSNS funds **cannot** be used to pay for the following:

- Before or after school care
- Meals
- Tutoring
- Transportation
- Field trip fees
- Athletic fees
- School supplies
- Summer school programs
- Other fees as determined by the Georgia Department of Education.

49. My child qualified, but I chose not to enroll him in a private school. Can I use the scholarship funds to pay for tutoring?

No

50. Can scholarship funds be used to pay for summer school at a private school?

No.

51. What is the process for getting a reimbursement from a private school for a deposit I have paid for my place in a private school?

You will need to speak with the private school. A private school participating in the GSNS program is not required to alter any of its business practices under the program. Therefore, you must comply with the private school's policies. Georgia Department of Education staff **cannot** resolve disputes between yourself and the private school.

52. Where does the money go if I do not use the whole amount available for the scholarship?

By law, the amount of the scholarship is the lesser of two amounts:

- The total of tuition and fees at the private school;
- The total amount of state funds the public school received for the child.

Funds not used revert to the State treasury.

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53. How are a Georgia Special Needs Scholarship Program payments made?

On a quarterly basis, checks are made out to parent/guardian of record at the private school, but are mailed directly to a private school. The private school is required to notify all parents when they receive scholarship payments. By law, parents are required to endorse scholarship checks over to a private school using a restrictive endorsement within 30 days of the notice from the private school. A parent/guardian cannot take a scholarship check from a school nor can he/she refuse to endorse a check; both will result in forfeiture of scholarship. It is illegal for private schools to endorse scholarship checks for parents. A private school must give a parent/guardian a reasonable opportunity to endorse a scholarship check.

The Georgia Department of Education is authorized to make one payment per student per payment cycle and is not authorized to make any partial or retroactive payments. Upon endorsing a check to the private school, the parent and the private school validate that the quarterly payment amount is correct. Any discrepancies thereafter shall be resolved between the parent and the private school. In addition, the Internal Revenue Service (IRS) has determined that acceptance of a scholarship under this program is not considered personal family income as long as a parent/guardian does not attempt to deposit or cash the check.

54. Must parent/guardian claim the scholarship amount awarded to a child on State or Federal Income Tax forms?

No. The IRS has determined that acceptance of a scholarship under this program is not considered personal family income as long as a parent/guardian does not attempt to deposit in or cash the check against an account.

55. Can a scholarship be forfeited?

Yes. There are several ways that a scholarship may be forfeited.

The scholarship is forfeited when a parent:

- Fails to endorse the scholarship payment to the private school within the 30 days provided;
- Refuses to endorse the scholarship payment to the private school for deposit into the account of the participating school;
- Enrolls the student in a non-participating private school; or
- Enrolls or re-enrolls the student in a public school; or
- Decides to home school a student; or
- Is no longer a resident of Georgia.

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The scholarship may be forfeited when a student:

- Does not remain in attendance at a private school throughout the school year (unless excused by the school for illness or other good cause);
- Is expelled from a private school and does not enroll in another participating private school within 30 calendar days; or
- Enrolls in a school operating for the purpose of providing educational services to youth in any Department of Juvenile Justice (DJJ) programs;

56. Could the scholarship amount change if state education funding changes?

Yes, if state funding for education changes in any given year, the scholarship would be impacted by whatever percent state funding changes overall. This could be either an increase or decrease in the scholarship.

57. Will the scholarship be based on the IEP from the previous year or the one written for the upcoming year?

The scholarship is based on the amount of state funds the public school received for a student during the last year they were enrolled in the public school – not future years.

58. Why does the law state that the *acceptance of a Georgia Special Needs Scholarship shall have the same effect as a parental refusal to consent to services pursuant to the Individuals with Disabilities Education Act?*

IDEA is a federal law that requires public schools to provide all children with disabilities a free and appropriate public education (FAPE). In most circumstances, when a parent chooses to remove a child from public school (even if the student is not receiving the Georgia Special Needs Scholarship), IDEA no longer applies.

If you choose to remove your child from the public school—even if the state is providing some funds for the private school—you have waived your individual federal rights under IDEA.

However, at any time, should your child return to the public school and stop receiving the scholarship, your child would again be entitled to all rights and services pursuant to IDEA as long as the child remains eligible.

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59. What counts as direct services? Are paraprofessional support and resource services considered direct services? What about a self-contained classroom?

If the student had an IEP while enrolled in public school, then he/she was receiving direct services and can be considered eligible for the scholarship if he/she meets the other requirements. You will need to speak with your school if you are unsure about the services your child is specifically receiving.

60. What happens when a child, with a current IEP, is not attending school because the parent disagrees with the recommended services or is receiving hospital or homebound services? Is that child included in the Full Time Equivalent (FTE) counts? If not, will he/she qualify on some type of waiver?

Situations such as this will have to be reviewed on a case by case basis. It will depend on several factors:

- Whether or not the student was enrolled (even homebound students are enrolled);
- The student had an active IEP;
- The student was counted on the October and March FTE counts.

61. My child is in private school, and receives minimal service from the public school. Each year, instead of an IEP, we write a services plan. Will my child be eligible?

No. The child must be enrolled in a public school the previous year and have an active IEP, not a services plan. A services plan indicates the student was already in a private or home school situation and was not enrolled in the public school with the FAPE protection of IDEA.

62. My child did not have an IEP for the entire previous year but was enrolled at the public school for the entire school year. My child was not served under the IEP until March, will my child be eligible?

Yes, the student would be eligible because the IEP was active at some point during the school year.

63. My IEP includes Occupational Therapy, Physical Therapy. If related services are listed on the application with the appropriate fees the private school will charge, can it be included as part of the scholarship amount?

The scholarship amount is based on the amount of state funds the public school received for your student for the immediate prior school year. If a private school is planning on providing those services as part of its program and is including those in the tuition and fees, they may be covered up to the maximum scholarship amount for your child.

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64. How do related services such as Occupational Therapy or Physical Therapy fit into the scholarship funding?

When a parent/guardian chooses to enroll in private school using the scholarship funds, they give up all individual rights to services and IEPs while in the private school. The private school is not obligated to provide those related services nor is it required to follow an IEP at all. It is the parent/guardian decision to determine the appropriate educational setting for the child based on what is available in a private school **or** the IEP as written by the public school system.

65. My child is 2 1/2 years old and will be able to start special education at age 3. When will she or he be eligible for the scholarship?

This child will be eligible to participate beginning in first grade after attending kindergarten in a Georgia public school and having an IEP developed while in kindergarten or will be eligible to participate beginning in their second year of kindergarten if they have repeated kindergarten.

66. Can you still access federal funds for related services, if you use the state funds for the scholarship program?

No. Parents who accept the Georgia Special Needs Scholarship have waived their individual federal rights under IDEA.

67. Can a GSNS student receive related services from a school district while at the private school?

School districts have no obligation to provide special education services to a student who leaves the public school to access the GSNS program.

68. Is my child eligible if the school delayed setting up the IEP even though I asked for an IEP meeting months ago and only just recently got a meeting to discuss the IEP, but it has not been written yet?

The only students eligible are those who had an IEP in place and were served under it at some time during the previous school year. There are no exceptions to this requirement.

69. Will assistive technologies impact the scholarship amount?

Assistive Technology is not part of the State Quality Basic Education (QBE) funding formula and will not impact the scholarship amount. In addition, there is no obligation on the part of a private school to provide IEP required assistive technology supports or services to GSNS student.

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70. If the private school my child is currently attending decides to no longer participate in the GSNS program can my child continue to attend the school and receive the scholarship?

No, you would need to transfer your child to private school that is participating in the program to continue the scholarship.

71. I live outside the metro-area and notice there are no private schools participating in the program. What can be done about this?

Participation in the GSNS program is voluntary on the part of private schools. If there are private schools in your area, we encourage you to ask them to apply. Private schools can access the private school application on the GSNS website and mail in a signed hard copy with other required documentation. Completed applications from private schools are accepted annually between January and June 30. Private schools meeting the requirements to be a participating school will be presented to the State Board of Education for approval each month on a rolling basis from April through August of each year.

72. None of the private schools on the authorized list can accommodate my child's needs. Aren't private schools participating in the program required to provide services to special needs students?

There is no obligation on the part of a private school participating in the program to provide IEP required services to GSNS students.

73. Aren't private schools participating in the program required to accept all GSNS students that apply to the school?

There is no obligation on the part of a private school participating in the program to accept GSNS students.

74. Does the scholarship program provide financial assistance for transportation costs?

No, parent(s)/guardian(s) are responsible for providing transportation to students participating in the GSNS program.