

Georgia Department of Education  
Special Needs Scholarship Program  
Parent 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.

The following outlines the responsibilities parent(s)/guardian(s) of eligible students have under the Georgia Special Needs Scholarship Program. Parents of eligible students must also go regularly to the web page <http://www.gadoe.org/External-Affairs-and-Policy/Policy/Pages/Special-Needs-Scholarship-Program.aspx> to keep current with information regarding the Georgia Special Needs Scholarship Program.

**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.
- GA DOE - 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

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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.

- 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.

**REQUIREMENTS FOR NEWLY ELIGIBLE STUDENTS**

In order to newly qualify for the Georgia Special Needs Scholarship Program for the 2019 - 2020 a student must meet the following requirements:

- Student Eligibility Criteria 1 - A student must have a parent/guardian who currently lives in Georgia and has been a resident for at least one calendar year.

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- Student Eligibility Criteria 2 - A student was enrolled and completed the 2018 – 2019 school year in a Georgia public school in grades kindergarten through twelfth.
- Student Eligibility Criteria 3 - A student was reported attending a Georgia public school by a school district(s) during mandatory student counts conducted in October 2018 and March 2019.
- Student Eligibility Criteria 4 - A student does not need to have an Individualized Education Plan (IEP) for the entire school year to qualify for the GSNS Program. A student must have received special education services at some point during the 2018 – 2019 school year through an IEP. A student must be reported by a school district(s) in either the October 2018 OR March 2019 student counts OR in the final student record as a student receiving special education services by the end of the 2018 – 2019 school year.

If a student meets the eligibility criteria for the GSNS Program; parent(s) has the right to request a transfer from a student's current public school to:

1. Another public-school within their district of residence; or
2. Another public-school district outside their district of residence; or
3. One of the three state schools for the blind or deaf (under certain circumstances); or
4. A private school authorized to participate in the GSNS Program.

#### REQUIREMENTS FOR ELIGIBLE STUDENTS CONTINUING PARTICIPATING IN THE GSNS PROGRAM

In order to CONTINUE TO qualify for the Georgia Special Needs Scholarship Program for the 2019 - 2020 a student must meet the following requirement: Attendance at an authorized private school for the entire 2018 – 2019 school year.

**IMPORTANT:** Due to funding, a student that attended an authorized private school for the 2018 - 2019 school year but did not complete the year at the private school is ineligible to participate in the GSNS Program for the 2019 – 2020 school year. The only way a student can re-qualify for the Georgia Special Needs Scholarship Program is to again meet the program requirements outlined in law. A student can regain eligibility for the 2020 – 2021 school year if a student is enrolled and reported by a public-school system or school systems for funding purposes during the October 2019 AND March 2020 full-time equivalent (FTE) program counts during the upcoming 2019 - 2020 school year. In addition, the student must be reported as a special needs student served by an active IEP through the FTE reporting system.

#### PARENT RESPONSIBILITIES

- Parent Responsibility 1 - Parent(s) who wishes to use the public-school choice transfer option for a student must contact a school system directly regarding the process the school system uses for public school transfer requests available through the GSNS Program. Parent(s) can request another public school within their school system or another public-school system outside their school system.

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The authority to allow or deny transfer requests belongs to a school system NOT the Georgia Department of Education. School systems can create their own forms and set deadlines for transfer requests.

- a. Parent must complete the transfer request form provided by a school system and send it directly to the school system the parent would like a child to attend.
- b. Parent(s) must follow up with the school system regarding its decision for the transfer request.

Note: If a student attended a private school through the Special Needs Scholarship Program during the 2018 - 2019 school year, a parent is eligible for public school choice options for the 2019 – 2020 school year.

- Parent Responsibility 2 - Parent(s) of only students with the primary exceptionality of visual and/or individuals who are deaf or hard of hearing can choose 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. Parent(s) would need to work with their school district and the GaDOE regarding transferring a student to a State School if it is determined that a transfer to a State School is an appropriate placement based on the needs of the student as outlined in the IEP.
  - b. If the State School Option request is granted, parent(s) is responsible for providing all transportation to and from the school.
- Parent Responsibility 3 - Transportation under ALL school choice options are the responsibility of a parent.
- Parent Responsibility 4 - Parent(s) who wish to use the private school choice option must determine a student's eligibility for the GSNS Program.
  - a. Parent(s) must obtain a potential scholarship award amount using the scholarship calculator made available annually on the GaDOE web site. Parents will only be able to obtain a scholarship amount for students who are eligible for the GSNS Program.
  - b. Parents must have the following information to determine a student's potential scholarship award:
    - i. School district and school name that child attended in October 2018;
    - ii. Student's last name, first name; and
    - iii. Student's date of birth.

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- c. If a student is eligible, a scholarship award sheet will generate. Parent(s) must print the award sheet and make copies of it. This is the only proof of a student's eligibility for the GSNS Program. Parent(s) should always keep a copy for his/her records.
- Parent Responsibility 5 - Parent(s) must provide a copy of a student's scholarship award sheet to a private school authorized to participate in the GSNS Program.
  - a. The scholarship can only be used at a private school authorized to participate in the GSNS Program by the State Board of Education.
  - b. Parent(s) of eligible students continuing attendance at an authorized private school must provide the scholarship award sheet that applies for the new school year to the private school.
  - c. Parent(s) must follow all admissions or re-enrollment procedures in place at a private school. Private schools participating in the GSNS Program are not required to accept a student that is eligible for the GSNS Program.
  - d. Parent(s) can enroll or re-enroll a student in an authorized private school if the private school grants admission to the student.
  - e. A parent must notify the private school that a student is eligible for the GSNS Program by providing a copy of the current scholarship award sheet to a private school. If parent(s) fails to notify a private school of a student's eligibility, the private school will not report that student as enrolled in the GSNS Program to the GaDOE. This will affect the scholarship payments for a student and could affect his/her eligibility for the GSNS Program.
- Parent Responsibility 6 - Parent(s) must withdraw a student from public school if enrolling an eligible student into a participating private school.
  - a. A student cannot be dually enrolled at both a public and private school and receive a scholarship. Once accepted into a private school, a parent must withdraw a student from the public school following the procedures in place at the public school. The parent may be required to submit appropriate withdrawal documentation to the public school.
  - b. Students found dually enrolled at both a public school and private school during a school year will lose their eligibility for the GSNS Program.
- Parent Responsibility 7 - Parent(s) assumes full financial responsibility for the education of a GSNS student when enrolling a student in a private school.

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- a. Scholarship funds received through the GSNS Program are only intended to offset the tuition and fees charged by a private school. If tuition and fees charged by a private school are higher than the scholarship award, a parent is responsible for paying the additional tuition and/or fees. If tuition and fees charged by a private school are less than the scholarship award, the lesser amount is paid, and unused funds revert to the State treasury.
  - c. Any fees not covered by the GSNS Program i.e. meals can still be charged by a private school. Parent(s) would be financially responsible for the payment of these fees.
  - d. Parent(s) must read and understand any contracts/agreements entered with an authorized private school.
  - e. Parent(s) must obtain written copies of any contracts/agreements (e.g. tuition reimbursement, fee schedules) entered with a private school.
  - f. GaDOE staff cannot resolve disputes that may arise between a parent(s) and a private school.
- Parent Responsibility 8 - Parent(s) must keep a student in attendance at a participating private school throughout the school year unless excused due to illness.
- a. Parent(s) must contact the GSNS office directly if a child is expected to be unable to attend a private school due to illness.
- Parent Responsibility 9 - Acceptance of scholarship shall have the same effect as a parental refusal to consent to services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et seq.
- a. When parent(s) accepts a GSNS for a child he/she is refusing to provide parental consent for special services under IDEA in a public-school district. A participating private school is not required to follow a student's IEP nor is it required to provide special education services to a student.
  - b. Parent(s) must ask a private school directly regarding the specific special education or other services it may be able to provide for students.
  - c. A school district in which a private school is located must consider a student participating in the GSNS Program for receipt of proportionate share if the student enrolls in a private school within the school district. The school district makes the decision on which students will receive services, what services will be provided, and will develop a services plan for students that will receive services. The parent of the GSNS student has no individual right but has the right to have his/her child in the group of students for whom services are considered.

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- d. A school district in which a private school is located must treat a student participating in the GSNS program as a parentally placed private school student with a disability under the IDEA.
- Parent Responsibility 10- Parent(s) must know and understand the requirements to have a student continue participating in the GSNS Program.
  - a. A student may continue to receive a GSNS scholarship if:
    - Student remains a resident of Georgia; and
    - Student's parent(s) remain residents of Georgia; and
    - Student has continual enrollment and attendance in a private school participating in the GSNS Program; and
    - Parent(s) complies with GSNS Program law and rule
  - b. Eligibility for the GSNS Program ends if:
    - A student leaves an authorized private school and does not re-enroll in another authorized private school. OR
    - A student graduates from high school. OR
    - A student turns 21 years old and has not yet graduated from high school.
- Parent Responsibility 11 - Parent(s) must know and understand the requirements for transferring a GSNS student from one authorized private school to another authorized private school participating in the GSNS Program.
  - a. Parent(s) can transfer a student to another authorized private school at any point during the school year.
  - b. Parent(s) should not remove a student from his/her current private school until parent(s) has received acceptance from another authorized private school.
  - c. Transferring a student to another private school does not release parent(s) from the obligation to pay tuition and/or fees owed to the original private school.
- Parent Responsibility 12 - Parent(s) must know and understand the procedures for maintaining a GSNS student's scholarship if the student is expelled from an authorized private school. Private schools can expel GSNS students.
  - a. If a GSNS student is expelled from a private school, parent(s) will have 30 calendar days to find another placement for a student at another authorized private school to keep a student's scholarship.

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- b. If by day 31 parent(s) has not secured a placement for a GSNS student at another authorized private school, the student's eligibility for the GSNS Program will end. A student will need to attend a public school for one full school year and retain his/her IEP to regain eligibility for the GSNS Program.
  - c. Expulsion of a GSNS student from a private school does not release parent(s) from the obligation to pay tuition and/or fees owed to a private school.
- Parent Responsibility 13 - Parent(s) must know and understand the procedures for regaining eligibility for the GSNS Program if a student transfers back into a Georgia public school.
- a. If a parent(s) transfers a GSNS student back into public school during the school year, the scholarship for a student will end. A student will need to regain his/her eligibility for the GSNS Program by meeting all eligibility requirements again.
  - b. Returning a student to public school does not release parent(s) from the obligation to pay tuition and/or fees owed to a private school.
  - c. Parent(s) must work with a public school regarding the implementation of a student's IEP or re-evaluation if a student's IEP has expired.
- Parent Responsibility 14 - Parent(s) must know and understand the procedures for processing scholarship payments received for a student through the GSNS Program.
- a. Four times during a school year a private school will receive scholarship checks issued by the GaDOE.
  - b. The GaDOE is authorized to make one payment per student per quarter and is not authorized to make any partial or retroactive payments. Each quarterly payment is for instruction and services provided to a student. Parent(s) must go to the GSNS web page to see the payment calendar that applies to the current school year.
  - c. A student must be enrolled and attending an authorized private school for 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 prior to having attended for majority of a payment cycle and does not transfer to another authorized private school, no scholarship payment for the student will be issued.
  - d. Scholarship checks issued by the GaDOE are made out to the parent(s) of record submitted by a private school.

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- e. A private school must notify the parent(s) of students in writing when scholarship payments are received by the school. Scholarship checks are mailed directly to a private school.
  - f. Parent(s) is required to endorse scholarship checks over to a private school using a restrictive endorsement within 30 days of his/her receipt of the notice from the private school.
  - g. A private school must provide a reasonable opportunity for parent(s) to restrictively endorse a check to the school.
  - h. Upon endorsing a check to the private school, the parent(s) and the private school validate that the payment amount is correct. Any discrepancies thereafter shall be resolved between the parent(s) and the private school.
  - i. Parent(s) cannot remove a scholarship check from a school's premises and cannot refuse to endorse a check; either or both could result in forfeiture of the scholarship. Parent(s) could remain responsible for payment of any tuition and/or fees owed to the private school.
- Parent Responsibility 15 - Parent(s) must know and understand the procedures to have a GSNS participate in state-wide assessments.
- a. A parent of a GSNS student attending a private school can request that a student participate in the following state wide assessments: Criterion-Referenced Competency Tests (CRCT) in grades three through eight, the Georgia High School Graduation Tests (GHSGT) in grade eleven, and the Writing Assessments in grades five, eight, and eleven.
  - b. Parent(s) must inform the public-school district in writing of their intent to participate in statewide assessments and work with the GaDOE and the school district regarding state-assessment procedures for GSNS students. Intent must be received by the public-school district no later than two weeks following the start of the public school district term (i.e. semester) in which the test is to be administered in order to ensure the student can participate in the assessment. If intent is received later, the school district may decline to allow the student to participate if resources are not available.
  - c. Parent(s) assumes responsibility for the transportation of the GSNS student to and from the designated testing location on the scheduled day. Parent(s) must make sure that the GSNS student arrives punctually for the testing.
  - e. Parent(s) are responsible for paying costs that are reasonable and appropriate to accommodate a GSNS student participation in state assessments. Billable expenses are those that the school district would not

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have otherwise incurred in the course of testing the students already enrolled. School districts may not charge parent(s) for testing materials (i.e. test books and answer sheets) or for ordering or shipping of these materials. However, school districts may assess costs associated with providing special accommodations such as materials and personnel costs for providing a one-on-one administration. To determine personnel costs, the district may charge the rate for the lowest paid staff member available and qualified to perform the duties.