

Georgia Special Needs Scholarship Program Private School 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 private schools must follow to obtain and continue eligibility in 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.

GaDOE- refers to the Georgia Department of Education.

Georgia Special Needs Scholarship (GSNS) – the Georgia Special Needs Scholarship Program, O.C.G.A. § 20-22110 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, that was 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

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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.

PRIVATE SCHOOLS ELIGIBILITY REQUIREMENTS

Responsibilities of private schools authorized to participate in the GSNS Program focus on reporting GSNS students enrolled at a private school, reporting progress data to parents, correct handling of scholarship payments, and following all GSNS Program requirements outlined in law, State Board rules, and GSNS Program guidance. Private schools must meet all applicable state and local health, safety, and welfare laws, codes, and rules.

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Private School Eligibility Criteria 1- At the time of its application a private school must be accredited, provisionally accredited, or in process of receiving its accreditation by at least one of the following accreditation agencies:

1. The Georgia Accrediting Commission;
2. The Georgia Association of Christian Schools;
3. The Georgia Private School Accreditation Council;
4. The Association of Christian Schools International;
5. The Southern Association of Colleges and Schools;
6. The Southern Association of Independent Schools;
7. The New England Association of Schools and Colleges;
8. The Middle States Association of Colleges and Schools;
9. The North Central Association of Colleges and Schools;
10. The Northwestern Association of Schools and Colleges; 11. The Western Association of Schools and Colleges; and/or
12. The Alabama Independent School Association.

A private school in process of receiving its accreditation with no provisional accreditation at the time of its application must include a letter from one of the accreditation agencies listed above. The letter must be on the accreditation agency's letterhead and state that the school is in process of receiving its accreditation with a date the accreditation agency expects the school will complete the accreditation process.

An unaccredited private school approved by the State Board of Education must receive its accreditation no later than two school years from the date of its authorization to participate in the GSNS Program. A private school that does not receive full accreditation will be removed from the authorized private school list. In addition, a private school that loses its accreditation will be removed from the authorized private school list.

Private School Eligibility Criteria 2- The private school must be physically located in the state of Georgia where the scholarship students physically attend classes and have direct contact with the school's teachers each school day. The private school must offer a program of instruction sufficient to allow students to maintain regular attendance to meet the minimum compulsory attendance requirements of 180 days of instruction for 4.5 hours per day or its equivalent. *O.C.G.A. §20-2-2115(b) expressly prohibits home school programs and schools that provide only on-line instructional courses from participating in the GSNS Program.*

Private School Eligibility Criteria 3- The private school must offer a program of instruction to students offering at a minimum the core subjects of instruction for math, science, language arts, reading, and social studies.

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Private School Eligibility Criteria 4- The private school must demonstrate fiscal soundness to the GaDOE by being in operation as a private school in Georgia for at least one full school year or by submitting financial documentation for the school that complies with uniform financial accounting standards established by the GaDOE and conducted by a Certified Public Accountant per O.C.G.A. § 20-2-2115 (2).

Private School Eligibility Criteria 5- The private school must comply with 42 U.S.C. Section 2000(d), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) Amendments Act of 2008.

Private School Eligibility Criteria 6- The private school must employ or contract only with teachers who hold a baccalaureate or higher degree, or have at least three years of experience in either education or health.

Private School Eligibility Criteria 7- The private school must conduct criminal background checks of teachers to ensure that potential educational employees have not been convicted of crimes that could invalidate their acceptability for employment **BEFORE** a teacher is assigned to eligible students participating in the GSNS Program. The school must maintain documentation of its process for teacher background checks. The private school must also have written protocols in place for proper administrative action in the event a criminal background check or other inspection reveals criminal history after a teacher has been hired at the private school.

Private School Eligibility Criteria 8- The private school must meet all applicable state and local health, safety, and welfare laws, codes, and rules.

Private School Eligibility Criteria 9- The private school must administer valid and reliable pre- and postacademic assessments to potential GSNS students and report in writing to the parent(s) and the GaDOE the results of the pre- and post-academic assessments. The legislation governing the GSNS Program does not give the GaDOE the authority to mandate specific assessments to be used by private schools. Private schools select their own assessments and do not use state-mandated standardized assessments to measure student progress. Progress information is self-reported by private schools to the GaDOE.

Private School Eligibility Criteria 10- The private school must provide clear written quarterly descriptions of academic progress to the parents of GSNS students during a school year.

Private School Eligibility Criteria 11- A private school must first apply by submitting a completed application package to the GaDOE to participate in the GSNS Program for the upcoming school year. Potential private school applications must include all program information requested by the GaDOE, including documentation

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necessary for the GaDOE to ensure the potential private school can meet eligibility requirements as stated under O.C.G.A. § 20-2-2115 and State Board of Education Rule 160-5-1-.34 Georgia Special Needs Scholarship Program. Private schools that meet GSNS Program requirements are forwarded by the GaDOE for authorization by the State Board of Education to participate in the GSNS Program.

PRIVATE SCHOOL ANNUAL RESPONSIBILITIES

Private School Responsibility 1- During the school year a private school must report on dates specified by the GaDOE the GSNS students enrolled at the private school. If a private school fails to report to the GaDOE an enrolled student who is GSNS eligible, the student will not be issued scholarship funds.

Private School Responsibility 2- A private school must provide clear written quarterly descriptions of academic progress to the parents of GSNS students during a school year e.g. report cards.

Private School Responsibility 3- A private school must annually provide in writing to parents of GSNS students the relevant credentials of the teachers who are teaching their children. This includes information that may be posted on a school's website regarding teacher qualifications.

Private School Responsibility 4- A private school must administer valid and reliable pre- and post- academic assessments to GSNS students. The legislation governing the GSNS Program does not give the GaDOE the authority to mandate specific assessments to be used by private schools. Private schools select their own assessments and do not use state-mandated standardized assessments to measure student progress. Progress information is self-reported by private schools to the GaDOE.

- a. Private school must verify that the pre- and post- academic assessments it selects to administer to GSNS students enrolled at the private school are valid and reliable.
- b. Private school must report in writing to the parent(s) of GSNS students the results of pre- and postacademic assessments administered to GSNS students.
- c. Private school must report to the GaDOE the results of pre- and post-academic assessments administered to GSNS students by a date specified by the GaDOE.

Private School Responsibility 5- A private school must submit a completed signed compliance form each school year by a date specified by the GaDOE.

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Private School Responsibility 6- A private school must notify the GaDOE immediately if it loses its accreditation from an accrediting agency.

Private School Responsibility 7- A private school must provide written notification to parents of GSNS students immediately if the private school becomes ineligible to participate in the GSNS Program.

Private School Responsibility 8- Before a teacher is assigned an eligible student participating in the GSNS Program, the private school must conduct criminal background checks of such teacher to ensure that potential educational employees have not been convicted of crimes that could invalidate their acceptability for employment.

- a. Private school shall maintain a copy of a government issued photo identification (driver's license, passport, government identification card, etc.) for every teacher assigned an eligible GSNS student with a completed criminal background check for verification and monitoring purposes. All background checks must be dated to show background check was completed for all teachers prior to having initial contact with students; and include each individual's legal name, valid social security number, and date of birth.
- b. The private school must also have written protocols in place for proper administrative action in the event a criminal background check or other inspection reveals criminal history after a teacher has been hired at the private school.

Private School Responsibility 9- Private school must ensure that requests for information and access to schools for monitoring, evaluation, and investigation purposes by the GaDOE are provided in a timely manner. The GaDOE does have the right to make unannounced visits to a private school.

Private School Responsibility 10- Funds received by a private school through the GSNS Program shall be used for educational purposes. Expression "for educational purposes" is to be given the broadest significance; the expression is broad enough to cover all things necessary or incidental to the furtherance of education. Note: the scope of the expression does not extend to any measure that might **incidentally** prove to be of assistance to a program of education.

Allowable uses of GSNS funds

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- ✓ Funds received through the GSNS Program can be used to pay the salaries of personnel and to pay for the utilization of a private school's facilities, for extracurricular and interscholastic activities, including literary events, music and athletic programs within individual schools and between schools when such activities are integral part of the total school program, and for no other purpose. Funds **cannot** be used by a private school for extracurricular athletic teams such as uniforms for a football team.
- ✓ Funds received through the GSNS Program can be used by a private school for the repair, maintenance, and upkeep of leased premises.
- ✓ Funds received through the GSNS Program can be used to provide medical services directly related to the actual conduct of a private school's operations with minimum interruption.
- ✓ Funds received through the GSNS Program can be used by a private school to purchase a liability insurance policy which covers school officials and employees against injuries a student might receive while participating in an extracurricular athletic activity.
- ✓ Funds received through the GSNS Program can be used by a private school for physical education supplies to be used in a physical education program.

Non-allowable uses of GSNS funds

Fees not covered by GSNS funds can still be charged by private schools. Parent(s) would be financially responsible for these types of fees e.g. meals.

- ✗ Funds received through the GSNS Program **cannot** be used by a private school to pay for meals for its students.
- ✗ In the event that a private school is liable for their past failures to pay federal or state taxes, the assessments **cannot** be paid out of funds received through the GSNS Program.
- ✗ Funds received through the GSNS Program **cannot** be used by a private school for extracurricular athletic teams such as football and basketball teams.
- ✗ Funds received through the GSNS Program **cannot** be used by a private school to provide transportation to students for extracurricular activities by leasing vehicles for that use.

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- ✘ Funds received through the GSNS Program **cannot** be used to purchase billboard space by a private school for the display of public relations advertisements.
- ✘ Funds received through the GSNS Program **cannot** be used for the payment of rewards offered for information concerning damage to and destruction of school property.
- ✘ Funds received through the GSNS Program **cannot** be used by a private school to provide before or after school care for GSNS students.
- ✘ Funds received through the GSNS Program **cannot** be used by a private school to provide tutoring for GSNS students.
- ✘ Funds received through the GSNS Program **cannot** be used by a private school to pay for transportation of GSNS students.
- ✘ Funds received through the GSNS Program **cannot** be used by a private school to pay for athletic fees.
- ✘ Funds received through the GSNS Program **cannot** be used by a private school to pay for summer school programs.
- ✘ Funds received through the GSNS Program **cannot** be used by a private school to pay for workers' compensation expenditures.

Private School Responsibility 11- A private school cannot charge higher tuition or apply unique fees to only its GSNS students.

- a. Private schools participating in the GSNS Program can use a differentiated tuition and fee schedule (e.g. by grade level). The differentiated tuition and fee schedule established by a private school must be clearly defined in writing for parents and applied in the same way to all students attending the school.

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For example, a school could choose to charge \$12,000 in tuition for its non special education students and charge \$16,000 in tuition for special education students to cover the additional costs usually needed for special needs students. However, a school could not charge the higher tuition only to GSNS students and not other special education students attending the school.

- b. A private school cannot charge higher tuition or apply unique fees only to a GSNS student in order to obtain the full amount a student qualifies for under the GSNS Program. Any school found doing so will be in violation of the GSNS Program and could lose its eligibility to participate.
- c. A private school cannot charge late fees to parent(s)/guardian(s) of GSNS students based on the dates scholarship payments are issued by the GaDOE.

Private School Responsibility 12- A private school must provide copies of contracts/agreements (e.g. tuition reimbursement, fee schedules) entered into with a parent/legal guardian to the parent/legal guardian.

Private School Responsibility 13- Each school year a private school must submit the names of GSNS students enrolled at its school including allowable tuition and fees by deadlines provided by the GaDOE.

Private School Responsibility 14- A private schools must process payments received through the GSNS Program following instructions and deadlines provided by the GaDOE.

- a. A private school will receive four times during a school year 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. Payment for each quarter is for instruction and services provided to a student.
- c. A private school must notify the parent(s)/guardian(s) of students in writing when scholarship payments are received by the school. Scholarship checks issued by the GaDOE are made out to the parent(s) of record submitted by a private school. Scholarship checks will be mailed directly to a private school at the address provided by a private school.

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- d. A private school must ensure parent(s)/guardian(s) restrictively endorse the check over to the school.
- e. A private school must give parent(s)/guardian(s) 30 calendar days from date that parent(s) received notice to allow the parent(s)/guardian(s) to restrictively endorse the check over to the private school for deposit.
- f. A private school must provide a reasonable opportunity for parent(s)/guardian(s) to restrictively endorse a check to the school.
- g. Parent(s)/guardian(s) cannot remove a scholarship check from a school's premises.
- h. A private school cannot give a parent(s)/guardian(s) a payment issued by the GaDOE as reimbursement. A school must issue a check drawn from its own accounts if a reimbursement is owed to a parent(s)/guardian(s).
- i. A private school cannot deposit a payment without a parent's/guardian's signature. If a parent(s) fails to restrictively endorse check over to a private school, a private school must return the check to the GaDOE using the check return form provided by the GaDOE.

Private School Responsibility 15- A private school is required to notify the Georgia Department of Education if it changes the location of the school.

- a. A private school must provide to the GaDOE a copy of the certificate of occupancy for the new location that indicates the location is safe for students to occupy as a school.

Private School Responsibility 16- Authorization received by a private school to participate in the GSNS Program does not provide authorization if the private school chooses to open and operate another school at an additional location(s). The private school must submit an application to the GaDOE for the additional location to receive authorization to participate in the GSNS Program.

- a. To participate in the GSNS Program, a different location(s) of a currently authorized private school must apply by submitting a completed application package to the GaDOE by June 30 of a calendar year to participate in the GSNS Program for the next school year.

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- b. Potential private school applications must include all program information requested by the GaDOE. Including documentation necessary for the GaDOE to ensure the potential private school can meet eligibility requirements as outlined in O.C.G.A. § 20-2-2115. Failure by a private school to complete any component of the application by the provided deadline will result in an incomplete application.

- c. Incomplete applications will not be recommended to the State Board of Education for authorization and inclusion on the Authorized GSNS Private School List.