

\_\_\_\_\_ offers the following  
substitute to HB 1220:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to  
2 student scholarship organizations, so as to revise provisions for student eligibility and  
3 maximum scholarship amounts; to provide for military students and students with  
4 Individualized Education Programs (IEPs), Section 504 Plans, or other designated  
5 disabilities; to provide for such designation; to require the Department of Education to  
6 publish a current list of participating schools and the medical or behavioral conditions that  
7 each school is either currently accommodating or is able to accommodate; to provide for  
8 related matters; to provide for an effective date and applicability; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student  
13 scholarship organizations, is amended by revising paragraph (1) of Code Section 20-2A-1,  
14 relating to definitions, as follows:

15 "(1) 'Eligible student' means a student who is a Georgia resident who, immediately prior  
16 to receiving a scholarship or tuition grant under Code Section 20-2A-2 and enrolling in

a qualified school or program, was enrolled in and attended for at least six weeks a Georgia secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten program, or pre-kindergarten program; provided, however, that, if a student is deemed an eligible student pursuant to this paragraph, he or she shall continue to qualify as such until he or she graduates, reaches the age of 20, or returns to a public school, whichever occurs first; and provided, further, that the enrollment and six-week public school attendance requirements shall be waived in the case of a student whose parent is an active duty military service member stationed in Georgia during the previous year; a student with an Individualized Education Program (IEP) or a Section 504 Plan or who has been diagnosed with dyslexia, autism spectrum disorder, speech-language delay and disorder, hearing loss, or another intellectual and developmental disability designated by the Department of Education pursuant to Code Section 20-2A-2; or a student who, based on the school attendance zone of his or her primary residence, is or would be assigned to a public school that the Office of Student Achievement determines to be a low-performing school, who is the subject of officially documented cases of school based physical violence or student related verbal abuse threatening physical harm, or who was enrolled in a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 for at least one year immediately prior to receiving a scholarship or tuition grant under Code Section 20-2A-2."

## SECTION 2.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2A-2, relating to requirements for student scholarship organizations, as follows:

"(1) With respect to the first \$1.5 million of its annual revenue received from donations for scholarships or tuition grants, including interest earned on deposits and investments of scholarship funds or tuition grants, shall obligate at least 92 percent of such revenue for scholarships or tuition grants; with respect to its annual revenue received from

43 donations for scholarships or tuition grants in excess of \$1.5 million and up to and  
44 including \$10 million, including interest earned on deposits and investments of  
45 scholarship funds or tuition grants, shall obligate at least 94 percent of such revenue for  
46 scholarships or tuition grants; with respect to its annual revenue received from donations  
47 for scholarships or tuition grants in excess of \$10 million and up to and including \$20  
48 million, including interest earned on deposits and investments of scholarship funds or  
49 tuition grants, shall obligate at least 95 percent of such revenue for scholarships or tuition  
50 grants; and, with respect to its annual revenue received from donations for scholarships  
51 or tuition grants in excess of \$20 million, including interest earned on deposits and  
52 investments of scholarship funds or tuition grants, shall obligate at least 96 percent of  
53 such revenue for scholarships or tuition grants. On or before the end of the calendar year  
54 following the calendar year in which a student scholarship organization receives revenues  
55 from donations and obligates them for the awarding of scholarships or tuition grants, the  
56 student scholarship organization shall designate the obligated revenues for specific  
57 student recipients. Once the student scholarship organization designates obligated  
58 revenues for specific student recipients, in the case of multiyear scholarships or tuition  
59 grants, the student scholarship organization may distribute the entire obligated and  
60 designated revenues to a qualified school or program to be held in accordance with  
61 Department of Revenue rules for distribution to the specified recipients during the years  
62 in which the recipients are projected in writing by the private school to be enrolled at the  
63 qualified school or program. In making a multiyear distribution to a qualified school or  
64 program, the student scholarship organization shall require that if the designated student  
65 becomes ineligible or for any other reason the qualified school or program elects not to  
66 continue disbursement of the multiyear scholarship or tuition grant to the designated  
67 student for all the projected years, then the qualified school or program shall immediately  
68 return the remaining funds to the student scholarship organization. Once the student  
69 scholarship organization designates obligated revenues for specific student recipients, in

the case of multiyear scholarships or tuition grants for which the student scholarship organization distributes the obligated and designated revenues to a qualified school or program annually rather than the entire amount, if the designated student becomes ineligible or for any other reason the student scholarship organization elects not to continue disbursement for all years, then the student scholarship organization shall designate any remaining previously obligated revenues for a new specific student recipient on or before the end of the following calendar year. Unless the student has an Individualized Education Program (IEP) or a Section 504 Plan or has been diagnosed with dyslexia, autism spectrum disorder, speech-language delay and disorder, hearing loss, or another intellectual and developmental disability (IDD) designated by the Department of Education pursuant to this paragraph, the ~~The~~ maximum scholarship amount given by the student scholarship organization in any given year shall not exceed the average state and local expenditures per student in fall enrollment in public elementary and secondary education for this state. The Department of Education shall determine and publish such amount and such designated IDs annually, no later than January 1;"

### SECTION 3.

Said chapter is further amended by revising Code Section 20-2A-6, relating to maintenance of list on website, as follows:

"20-2A-6.

The Department of Education shall maintain on its website:

- (1) A a current list of all student scholarship organizations which have provided notice pursuant to paragraph (6) of Code Section 20-2A-2; and
- (2) A current list of participating schools and the medical or behavioral conditions each such participating school is either currently accommodating or is able to accommodate."

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**SECTION 4.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all taxable years beginning on or after January 1, 2026.

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**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.