



Georgia Department of Education
Georgia Special Needs Scholarship Program

Dr. John D. Barge, State School Superintendent
"Making Education Work for All Georgians"

GEORGIA DEPARTMENT OF EDUCATION RESPONSIBILITIES

INTRODUCTION

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.



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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 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 – a nonpublic, sectarian or nonsectarian school, which is accredited or in the process of becoming accredited by one or more of the entities listed:

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.

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.



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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.

STATE 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 Website.

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.

Indicators for **GaDOE Responsibility 2:**

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

Indicators for **GaDOE Responsibility 3:**

- 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 as submitted by a school district.



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- c. Only students whose FTE records designate them as a special needs student by a school district are eligible to receive funding through the GSNS Program.
- d. Post scholarship calculator for parent(s) of potential GSNS eligible students on the GSNS web site no later than May 15 of each year.

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

Indicator for **GaDOE Responsibility 4:**

- 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 that participates 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. § 20-2-2115.
- 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 list of private schools authorized to participate in the GSNS Program.

Indicators for **GaDOE Responsibility 5:**

- a. The GaDOE publishes a list of authorized private schools on the GaDOE Website.
- b. The GaDOE will make available the list of authorized private schools to all interested parties in an accessible format prior to the new school year and updated as needed.
- c. The GaDOE updates the list of authorized private schools if a school is removed from the authorized.



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

Indicators for **GaDOE Responsibility 6:**

- 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 of prospective scholarship recipients to verify eligibility of students for the GSNS Program enrolled at a private school.
- d. Per O.C.G.A. § 20-2-2114 (3)(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 prior to having attended 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. A private school can collect amounts owed it directly from student's parent(s). 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.



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

Indicators for **GaDOE Responsibility 7:**

- a. GaDOE will issue scholarship checks four times during a school year to parent(s) of students participating in the private school choice option. O.C.G.A § 20-2-2116 (e). Amounts of scholarship payment 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. 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.

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

GaDOE Responsibility 9: The GaDOE will annually report to school districts of 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.

Indicators for **GaDOE Responsibility 9:**

- a. The GaDOE will provide a report to school districts detailing the number of students that have left the school district to participate in the GSNS Program each school year. Report will outline the total amount of funding lost due to students leaving a school district to participate in the private school choice option. The report will be made available to school districts on the GaDOE Website.



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

Indicators for GaDOE Responsibility 10:

- a. The GaDOE will provide a report to GNETS program/school detailing the number of students that have left the GNETS program/school to participate in the GSNS Program each school year. Report will outline the total amount of funding lost due to students leaving a GNETS program/school to participate in the private school choice option. The report will be made available to GNETS program/school districts on the GaDOE Website.

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

Indicators for GaDOE Responsibility 11:

- a. The GaDOE will develop annually a GSNS compliance form for authorized private schools to complete by deadline established by the GaDOE.
- b. The GaDOE will make the compliance form available to private schools on the GaDOE Website.

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.

Indicators for GaDOE Responsibility 12:

- a. The GaDOE will develop annually a GSNS assessment report form for authorized private schools to complete by deadline established by the GaDOE.
- b. The GaDOE will make the assessment report form available to private schools on the GaDOE Website.



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

Indicators for **GaDOE Responsibility 13:**

- a. The GaDOE will develop a GSNS Program Monitoring Form for use during monitoring visits.
- b. 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.
- c. 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.).
- d. The private school may request technical assistance from the GaDOE to prepare for the monitoring visit. However, once the monitoring visit begins, the GaDOE will not offer further technical assistance. 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.
- e. The GaDOE reserves the right to conduct unannounced monitoring visits when deemed appropriate or necessary. In such cases the GaDOE will conduct a partial or full monitoring visit. The private school will receive a monitoring report for any monitoring done. All monitoring procedures will be followed during an unannounced visit.

Monitoring:

- a. 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 documentation of compliance with all GSNS Program requirements during the time and site of the monitoring visit will result in a finding of noncompliance and a rating of "Does Not Meet" for those particular requirements.



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- b. The GaDOE may request copies, make copies, or scan documents as evidence used for scoring each applicable GSNS Program requirement.
- c. The GaDOE will review all documentation and determine whether or not the private school is in compliance with each GSNS Program requirement.
- d. Each GSNS Program requirement will be scored as meets with recommendations, does not meet, or not applicable.

Post-Monitoring:

- a. The GaDOE shall send to the private school, in a timely manner, a copy of the monitoring report. The monitoring report will include:
 - i. A rating on each of the of GSNS Program requirements.
 - ii. An overall percentage of met standards.
 - iii. An overall compliance rating of "Meets" or "Does Not Meet" standards.
 - iv. Any findings with corrective action required.
 - v. Notification if the removal process is initiated (only when applicable).
 - vi. Any further instructions for completing the monitoring visit.
 - vii. Any program recommendations.
- b. The private school will receive an individual score for each GSNS Program requirement as well as an overall rating for compliance.

Overall Compliance Rating:

- i. Meets Standards - The private school is in compliance with at least 80 percent of all applicable GSNS Program requirements. Private schools that score 80 percent or greater will earn an overall rating of "Meets Standards". The GaDOE will use standard rounding rules in determining the overall rating percentage.
- ii. Does Not Meet Standards - The private school is in compliance with less than 80 percent of all applicable SES Standards. Failure to score 80 percent will earn an overall rating of "Does Not Meet Standards" and the GaDOE will begin the process for removing a private school by the SBOE.

Individual Standards Rating:

- i. Meets – Documentation provided indicates full compliance with GSNS Program requirements. No further action is required.

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- ii. Meets with Recommendations – Documentation provided complies with GSNS Program requirements, however, the GaDOE has made a suggestion to further strengthen compliance. Private schools are not mandated to implement recommendations but should review them and implement where practical.
 - iii. Does not meet – Documentation is missing, incomplete, or does not comply with GSNS Program requirements. The GaDOE will require corrective action to bring the missed GSNS Program requirements into compliance. Private schools are required to implement all corrective action.
 - iv. Not applicable – The GSNS Program requirements was not scored because it did not apply to the specific private school being monitored. For example, a private school may not have served any GSNS students during a school year. Not applicable standards are not counted for or against a private school and do not figure into the overall compliance rating.
- c. If a private school receives an overall rating of “Meets” standards but is not compliant on any one of the GSNS Program requirements, the private school is required to take corrective action in order to become compliant with any deficient requirement. The GaDOE will indicate the corrective action on the monitoring report. The private school must implement, document, and submit evidence of corrective action to the GaDOE within 10 business days of receipt of the monitoring report. Failure to implement and/or submit documentation of corrective action within the outlined timeframe will result in the GaDOE beginning the process to remove a GaDOE by the SBOE. The GaDOE will notify the private school of acceptance or non-acceptance of the submitted corrective action. Notification will occur within 30 business days of receipt of submitted corrective action.
- d. Any private school earning an overall rating of “Does Not Meet Standards” (less than 80 percent compliant with all scored standards) will have the removal process initiated by the GaDOE. Private schools that earn an overall rating of “Does Not Meet Standards” are not offered the opportunity for corrective action. These private schools do have an opportunity to refute the GaDOE’s findings. (See Refuting the GaDOE’s Findings)



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- e. Private schools scoring 100 percent compliance with GSNS Program requirements are not required to take any additional action upon receipt of the monitoring report.

Refuting the GaDOE's Findings:

- a. If a private school believes that an overall compliance rating or individual GSNS Program requirement rating is in error, the private school may submit supporting evidence to document the private school was in compliance at the time and date of the monitoring visit. Additional documentation must be received by the GaDOE within 10 business days upon receipt of the completed monitoring report.

Supporting documentation must be mailed to:

**Georgia Department of Education
Special Needs Scholarship Program
Twin Towers East, Suite 2070
205 Jesse Hill Jr. Drive, SE
Atlanta, GA 30334**

- b. The GaDOE will consider evidence refuting an overall rating or individual GSNS Program requirement rating and notify the private school in writing of its final determination within 30 business days upon receipt of such evidence.

Removing Private Schools from the Authorized GSNS Private School List as a Result of Monitoring

- a. Anytime the GaDOE intends to recommend a private school to the SBOE for removal from the Authorized GSNS Private School List the GaDOE will notify that private school in writing.
- b. As a result of monitoring, the GaDOE will recommend private schools for removal from the Authorized GSNS Private School List when:
 - i. A private school fails to provide access to their school for the purpose of monitoring.
 - ii. A private school receives an overall compliance rating of "Does Not Meet".



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

Indicators for **GaDOE Responsibility 14:**

- a. The GaDOE shall develop a complaint form. The GaDOE will make the complaint form 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. The on-site investigation team may examine relevant records and conduct interviews of relevant persons to determine whether there has been a violation of State Board Rule 160-5-1-.34, implementation guidelines, assurances, signed application, signed compliance form(s) and all applicable state laws.
- g. The GaDOE shall send to all appropriate parties the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification may include specific requirements and time lines that must be met in order to ensure that a private school is able to continue its participation in the GSNS Program. Private schools will have the opportunity to respond by providing appropriate documentation to support compliance with state requirements and must respond within 15 business days.



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- h. Upon conclusion of the GaDOE's investigation, the GaDOE may recommend the SBOE take appropriate action to remedy violations of applicable laws, including removal of a private school from the Authorized GSNS Private School List. If the SBOE makes the decision to remove a private school from the Authorized GSNS Private School List, the private school shall be sent a letter informing them of their removal no later than 15 business days after the SBOE action.

GaDOE Responsibility 15: The GaDOE has the authority to remove a private school from the Authorized GSNS Private School List and bar it from participating in GSNS Program.

Indicators for **GaDOE Responsibility 15:**

- a. 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 11).
 - ii. A private school receives an overall compliance rating of "Does Not Meet" after a monitoring visit by the GaDOE (See GaDOE Responsibility 13).
 - iii. The GaDOE has determined that a school intentionally and substantially misrepresented information to parents, the GaDOE, or the public.
 - iv. Loss of accreditation by a school's accrediting agency.
 - v. A school knowingly provided inaccurate information on its application.
 - vi. A school violated or did not meet any criteria on the assurances page of its application.
 - vii. Failure of a school to refund to the state any scholarship overpayments in a timely manner.
 - viii. Failure of a school to comply with 42 U.S.C. Section 2000d.
 - ix. Failure of a school to comply with provision of 20-2-690.



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- x. Failure of a school to comply with health and safety laws applying to private schools.
 - xi. Failure to provide requested information such as student enrollment information.
 - xii. Failure to report to the GaDOE and/or parent(s) information on student academic progress.
 - xiii. Failure to employ teachers with required qualifications under GSNS law.
 - xiv. Failure to report to parent(s) the relevant credentials of teachers.
 - xv. Failure to complete and submit annual compliance form to the GaDOE.
 - xvi. Failure to complete and submit annual assessment reporting form to the GaDOE.
 - xvii. Charging higher tuition and fee amounts only to GSNS student in order to obtain the full amount students qualify for under the GSNS Program.
 - xviii. Committing other violations determined by the GaDOE to constitute "cause" for removal.
- b. The GaDOE will ensure any private schools removed from the Authorized GSNS Private School List, whether through SBOE action or the school's request for removal, 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.



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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.

Indicators for **GaDOE 16:**

- 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 one through eight, the Georgia High School Graduation Tests (GHSGT) in grade eleven, and the Writing Assessments in grades five, eight, and eleven. School districts are not required to test scholarship students at their local facilities.
- b. The GaDOE will develop annually guidance for school districts on state-assessment procedures for GSNS students.
- c. The GaDOE will make guidance available to school districts on the GaDOE Website.