



Georgia Department of Education Georgia Special Needs Scholarship Program

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

PRIVATE SCHOOL 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.



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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.

Responsibilities of private school authorized to participate in the GSNS Program focus on reporting GSNS students enrolled at the private school, reporting progress data to parents, processing scholarship payments correctly, and following all GSNS Program requirements outlined in law, State Board rules, and GSNS Program guidance.

ELIGIBLE PRIVATE SCHOOLS

A private school must meet the criteria outlined in law to be eligible to participate in the Georgia Special Needs Scholarship Program. There are no exceptions to the eligibility criteria.

Private School Eligibility Criteria 1- A private school must be accredited or provisionally accredited 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;



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10. The Northwestern Association of Schools and Colleges;
11. The Western Association of Schools and Colleges; and/or
12. The Alabama Independent School Association.

Private School Eligibility Criteria 2- The private school must be physically located in the state of Georgia.

Private School Eligibility Criteria 3- 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 4- 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 5- 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. The school shall maintain documentation of this process. The private school shall have protocol in place and take proper administrative action in the event a criminal background check or other inspection reveals criminal history.

Private School Eligibility Criteria 6- Private school must be able to provide clear written descriptions of academic progress to parent(s) of GSNS students at least four times per year.

Private School Eligibility Criteria 7- A private school must be able to provide the GaDOE specific progress data from valid and reliable pre- and post-academic assessments on each enrolled student at least annually on a date determined by the GaDOE.

Private School Eligibility Criteria 8- All teachers employed by a private school must have a Bachelors degree or higher, or at least three years of experience in education or a health related field.



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Private School Eligibility Criteria 9- A private school must comply with all health and safety laws that apply to private schools, including building and fire codes. The private school will maintain documentation of compliance to share with parent(s) and/or the GaDOE upon request.

Private School Eligibility Criteria 10- A private school must comply with all the requirements found in O.C.G.A. § 20-2-690, including requiring 180 days of instruction for 4.5 hours per day or its equivalent. Private schools must teach all four core subject (math, science, reading, and social studies).

Private School Eligibility Criteria 11- To participate in the GSNS Program a private school must first 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. 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. Incomplete applications will not be recommended to the SBOE for authorization and inclusion on the Authorized GSNS Private School List.

PRIVATE SCHOOL RESPONSIBILITY

Private School Responsibility 1- Each school year a private school must report to the GaDOE the enrolled roster of eligible and GSNS students at the private school.

Indicators for **Private School District Responsibility 1:**

- a. During the school year a private school must report on dates specified by the GaDOE the enrolled roster of eligible and GSNS students 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 information regarding academic progress to parent(s) of GSNS students.

Indicators for **Private School District Responsibility 2:**

- a. Private school must provide clear written descriptions of academic progress to parent(s) of GSNS students at least four times during the school year.



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Private School Responsibility 3- Each school year the parent(s) of GSNS students must be provided in writing the relevant credentials of the teachers who will be teaching their children.

Private School Responsibility 4- A private school must administer valid and reliable pre- and post- academic assessments to GSNS students.

Indicators for **Private School District Responsibility 4:**

- 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 post-academic 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.

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

Private School Responsibility 6- Private school must notify parent(s) if the private school becomes ineligible to participate in the GSNS Program.

Indicators for **Private School District Responsibility 6:**

- a. Upon notification from the GaDOE of its removal from the Authorized GSNS Private School List, a private school must notify parent(s) in writing that the private school has become ineligible to participate in the GSNS Program.



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Private School Responsibility 7- 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.

Indicators for **Private School Responsibility 7:**

- 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.
- b. The private school shall have protocol in place and take proper administrative action in the event a criminal background check or other inspection reveals criminal history.
- c. All background checks must:
 - i. Be completed for all teachers prior to having initial contact with students;
 - ii. Include each individual's legal name, valid social security number, date of birth;
 - iii. Be checked against national and state criminal databases, and;
 - iv. Be checked against the national sex offender database.

Private School Responsibility 8- The Provider shall have protocol in place and take proper administrative action in the event a criminal background check or other inspection reveals criminal history.

Indicators for **Private School Responsibility 8:**

- a. The private school maintains a policy for hiring applicants with criminal history.
- b. The private school documents that parent(s) and personnel are aware of the hiring policy.

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.



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Indicators for Private School Responsibility 9:

- a. The private school complies with the GaDOE's request for monitoring, evaluation, and investigation purposes.
 - i. The private school collects and maintains all documentation for monitoring purposes and to demonstrate compliance with the State GSNS law, State GSNS Board Rule, GSNS Program guidance, GSNS assurances, and all applicable federal and state laws related to the GSNS Program.
 - ii. The GaDOE will only consider documentation available at the time and site of the monitoring visit. Failure to provide documentation during the monitoring visit will result in a finding for any GSNS requirements where a deficiency exists.

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, but the scope of the expression does not extend to any measure that might incidentally prove to be of assistance to a program of education.

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

Indicators for Private School Responsibility 10:

- a. Funds received through the GSNS Program shall be used for educational purposes and may 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.
- b. Funds received through the GSNS Program can be used by a private school for the repair, maintenance, and upkeep of leased premises.
- c. 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.



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- d. 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.
- e. Funds received through the GSNS Program can be used by a private school for physical education supplies to be used in physical education programs.
- f. Funds received through the GSNS Program cannot be used by a private school to pay for meals for its students.
- g. In the event that private schools are liable for their past failures to pay federal or state taxes, the assessments cannot be paid out of funds received through the GSNS Program.
- h. Funds received through the GSNS Program cannot be used by a private school for extracurricular athletic teams such as football and basketball teams.
- i. 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.
- j. Funds received through the GSNS Program cannot be used to purchase billboard space by a private school for the display of public relations advertisements.
- k. Funds received through the GSNS Program cannot be used by a private school for paying rewards. Expenditure of GSNS Program funds for the payment of rewards offered for information concerning damage to and destruction of school property is not an expenditure for "educational purposes," and therefore not a lawful use of GSNS Program funds.
- l. Funds received through the GSNS Program cannot be used by a private school to provide before or after school care for GSNS students.
- m. Funds received through the GSNS Program cannot be used by a private school to provide tutoring for GSNS students.



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- n. Funds received through the GSNS Program cannot be used by a private school to pay for transportation of GSNS students.
- o. Funds received through the GSNS Program cannot be used by a private school to pay for athletic fees.
- p. Funds received through the GSNS Program cannot be used by a private school to pay for summer school programs.
- q. 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.

Indicators for **Private School Responsibility 11:**

- a. Private schools participating in the GSNS Program can use a differentiated tuition and fee schedule. The differentiated tuition and fee schedule established by a school must be clearly defined in writing for parents and equitably applied to all students attending the school.

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 required to educate special needs students. However, a school could not charge the higher tuition to only 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.



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Private School Responsibility 12- Each school year a private school will submit its enrolled GSNS students and tuition and fees charged to the GaDOE.

Indicators for **Private School Responsibility 12:**

- a. Four times during the school year, each private school will submit their enrolled GSNS students and tuition and fees charged following instructions and deadlines provided by the GaDOE.
- b. A scholarship payment for a GSNS student will not be issued if a private school fails to report a GSNS student to the GaDOE during a reporting cycle.

Private School Responsibility 13- A private schools will process payments received through the GSNS Program following instructions and deadlines provided by the GaDOE.

Indicators for **Private School Responsibility 13:**

- 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) 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.
- d. A private school must ensure parent(s) restrictively endorse the check over to the school.
- e. A private school must give parent(s) 30 calendar days from date that parent(s) receive notice to allow the parent(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) to restrictively endorse a check to the school.



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- g. If a parent(s) fails to restrictively endorse check over to a private school, a private school must return the check to the GaDOE within 30 calendar days of the parent(s) failure to endorse the check using the check return form provided by the GaDOE.

Private School Responsibility 14- Authorization received by a private school to participate in the GSNS Program does not provide authorization if the private school chooses to operate another location(s). The private school must submit an application to the GaDOE to have each location(s) receive authorization to participate in the GSNS Program.

Indicators for **Private School Responsibility 14:**

- 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.
- 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 SBOE for authorization and inclusion on the Authorized GSNS Private School List.