

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 609

Short Title: K-12 Scholarship Changes. (Public)

Sponsors: Senators Ballard, Clark, and Johnson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2019

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE ELIGIBILITY REQUIREMENTS FOR THE CHILDREN WITH DISABILITIES SCHOLARSHIP GRANT PROGRAM, CLARIFY ELIGIBILITY FOR SCHOLARSHIP PROGRAMS TO APPLY TO CERTAIN FOUR YEAR OLDS, AND MAKE VARIOUS OTHER CHANGES TO THE OPPORTUNITY SCHOLARSHIP GRANT PROGRAM.

The General Assembly of North Carolina enacts:

PART I. SPECIAL EDUCATION SCHOLARSHIPS FOR CHILDREN WITH DISABILITIES

SECTION 1.1. G.S. 115C-112.5(2) reads as rewritten:

"(2) Eligible student. – A child under the age of 22 who resides in North Carolina and meets all of the following criteria:

- a. Is a child with a disability.
- b. Is eligible to attend a North Carolina public school pursuant to G.S. 115C-366. ~~G.S. 115C-366, including children who do not meet the age-related eligibility requirements for entry into kindergarten set forth in G.S. 115C-364, but are at least four years of age and deemed by a nonpublic school to have the maturity to justify admission to the school.~~
- c. Has not been placed in a nonpublic school or facility by a public agency at public expense.
- d. Has not been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of academic credit.
- e. Has not received a high school diploma.
- f. ~~Meets at least one of the following requirements:~~
 1. ~~Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the spring semester prior to the school year for which the student is applying. The Authority shall not count actual days of attendance to determine whether a child was enrolled in a qualifying school for that semester for the purposes of eligibility under this sub-sub-subdivision.~~
 2. ~~Received special education or related services through the North Carolina public schools as a preschool child with a~~



- 1 disability during the spring semester prior to the school year
 2 for which the student is applying.
 3 3. Received a scholarship for the school year prior to the school
 4 year for which the student is applying.
 5 4. Is a child who is identified as a child with a disability prior to
 6 the end of the year of initial enrollment in kindergarten or first
 7 grade. An award by the Authority based on eligibility under
 8 this sub-sub-subdivision shall be conditional. If documentation
 9 is not provided to the Authority that the child is a child with a
 10 disability prior to the end of the year of initial enrollment, (i)
 11 no reimbursement shall be awarded and (ii) the child shall not
 12 qualify the following year as an eligible student under
 13 sub-sub-subdivision 3. of this section.
 14 5. Is a child whose parent or legal guardian is on full-time duty
 15 status in the active uniformed service of the United States,
 16 including members of the National Guard and Reserve on
 17 active duty orders pursuant to 10 U.S.C. § 12301, et seq., and
 18 10 U.S.C. § 12401, et seq.
 19 6. Is a child who has been domiciled in the State for at least six
 20 months.
 21 7. Is a child in foster care as defined in G.S. 131D-10.2(9).
 22 8. Is a child whose adoption decree was entered not more than
 23 one year prior to submission of the scholarship application.
 24 9. Is a child who meets both of the following:
 25 I. Was enrolled in a nonpublic school that meets the
 26 requirements of Article 39 of this Chapter during the
 27 spring semester prior to the school year for which the
 28 student is applying.
 29 II. Was enrolled for the entire school year immediately
 30 prior to the school year in which the student enrolled in
 31 the nonpublic school in one of the following:
 32 A. A North Carolina public school.
 33 B. A Department of Defense Elementary and
 34 Secondary School, established pursuant to 10
 35 U.S.C. § 2164 and located in North Carolina."

36 **SECTION 1.2.** G.S. 115C-112.6(a2) reads as rewritten:

37 "(a2) Priority of Awards. – The Authority shall award scholarships according to the
 38 following criteria for applications received by March 15 each year:

- 39 (1) First priority shall be given to eligible students who received a scholarship for
 40 the school year prior to the school year for which students are applying.
 41 (2) After scholarships have been awarded under subdivision (1) of this subsection,
 42 scholarships shall be awarded to students who are eligible under
 43 G.S. 115C-112.5(2)f.1., 2., 4., 5., 7., 8., and 9. all other eligible students.
 44 (3) After scholarships have been awarded under subdivision (2) of this subsection,
 45 scholarships shall be awarded to students who are eligible under
 46 G.S. 115C-112.5(2)f.6."

47 **SECTION 1.3.** G.S. 115C-112.8(b)(5) reads as rewritten:

48 "(5) Total number of applicants by eligibility type, as listed in
 49 G.S. 115C-112.5(2)f., and the total number of scholarships awarded by
 50 priority type, as listed in G.S. 115C-112.6(a2)."
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PART II. OPPORTUNITY SCHOLARSHIP GRANT PROGRAM**SECTION 2.1.** G.S. 115C-562.1(3) reads as rewritten:

"(3) Eligible students. – A student residing in North Carolina who has not yet received a high school diploma and who meets all of the following requirements:

a. Meets one of the following criteria:

1. Was a full-time student (i) assigned to and attending a public school pursuant to G.S. 115C-366 or (ii) enrolled in a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the spring semester prior to the school year for which the student is applying.
2. Received a scholarship grant for the school year prior to the school year for which the student is applying.
3. Is entering either kindergarten or the first ~~grade~~grade, including children who do not meet the age-related eligibility requirements for entry into kindergarten set forth in G.S. 115C-364, but are at least four years of age and deemed by a nonpublic school to have the maturity to justify admission to the school.
4. Is a child in foster care as defined in G.S. 131D-10.2(9).
5. Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship grant application.
6. Is a child whose parent or legal guardian is on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. § 12401, et seq.

a1. Has not enrolled in a postsecondary institution in a matriculated status eligible for enrollment for 12 hours of academic credit.

b. Resides in a household with an income level not in excess of ~~one hundred thirty three percent (133%)~~one hundred fifty percent (150%) of the amount required for the student to qualify for the federal free or reduced-price lunch program. The Authority shall not count any distribution from the estate of a decedent in calculating the income level of the applicant's household for the purposes of determining eligibility for a scholarship under this sub-subdivision."

SECTION 2.2. G.S. 115C-562.2(a) reads as rewritten:

"(a) The Authority shall make available no later than February 1 annually applications to eligible students for the award of scholarship grants to attend any nonpublic school. Information about scholarship grants and the application process shall be made available on the Authority's Web site. Beginning March 15, the Authority shall begin awarding scholarship grants according to the following criteria:

- (1) First priority shall be given to eligible students who received a scholarship grant for the school year prior to the school year for which the students are applying if those students have applied by March 1.
- (2) After scholarship grants have been awarded to prior recipients as provided in subdivision (1) of this subsection, scholarships shall be awarded with remaining funds as follows:

- 1 a. At least fifty percent (50%) of the remaining funds shall be used to
2 award scholarship grants to eligible students residing in households
3 with an income level not in excess of the amount required for the
4 student to qualify for the federal free or reduced-price lunch program.
5 b. ~~No more than forty percent (40%) of the remaining funds shall be used
6 to award scholarship grants to eligible students entering either
7 kindergarten or first grade.~~
8 c. Any remaining funds shall be used to award scholarship grants to all
9 other eligible students."
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11 PART III. PERSONAL EDUCATION SAVINGS ACCOUNTS

12 SECTION 3. G.S. 115C-591(3) reads as rewritten:

13 "(3) Eligible student. – A student residing in North Carolina who has not yet
14 received a high school diploma and who meets all of the following
15 requirements:

- 16 a. Is eligible to attend a North Carolina public school pursuant to
17 ~~G.S. 115C-366~~. G.S. 115C-366, including children who do not meet
18 the age-related eligibility requirements for entry into kindergarten set
19 forth in G.S. 115C-364, but are at least four years of age and deemed
20 by a nonpublic school to have the maturity to justify admission to the
21 school.
22 b. Has not enrolled in a postsecondary institution in a matriculated status
23 eligible for enrollment for 12 hours of academic credit.
24 c. Is a child with a disability, as defined in G.S. 115C-106.3(1),
25 including, for example, intellectual disability, hearing impairment,
26 speech or language impairment, visual impairment, serious emotional
27 disturbance, orthopedic impairment, autism, traumatic brain injury,
28 other health impairments, specific learning disability, or disability as
29 may be required to be included under IDEA.
30 d. Has not been placed in a nonpublic school or facility by a public
31 agency at public expense."
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33 PART IV. EFFECTIVE DATE

34 SECTION 4. This act is effective when it becomes law and applies beginning with
35 the award of scholarship funds for the 2020-2021 school year.