

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**SENATE BILL 609
PROPOSED COMMITTEE SUBSTITUTE S609-PCS45293-TC-25**

Short Title: K-12 Scholarship Changes.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO SIMPLIFY THE ELIGIBILITY REQUIREMENTS FOR THE CHILDREN WITH
3 DISABILITIES SCHOLARSHIP GRANT PROGRAM, CLARIFY ELIGIBILITY FOR
4 SCHOLARSHIP PROGRAMS TO APPLY TO CERTAIN FOUR YEAR OLDS, AND
5 MAKE VARIOUS OTHER CHANGES TO THE OPPORTUNITY SCHOLARSHIP
6 GRANT PROGRAM.

7 The General Assembly of North Carolina enacts:

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9 **PART I. SPECIAL EDUCATION SCHOLARSHIPS FOR CHILDREN WITH**
10 **DISABILITIES**

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

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

- 14 a. Is a child with a disability.
15 b. Is eligible to attend a North Carolina public school pursuant to
16 G.S. 115C-366. Article 25 of this Chapter. A child who is the age of
17 four on or before April 16 is eligible to attend the following school
18 year if the principal, or equivalent, of the school in which the child
19 seeks to enroll finds that the student meets the requirements of
20 G.S. 115C-364(d) and those findings are submitted to the Authority
21 with the child's application.
22 c. Has not been placed in a nonpublic school or facility by a public
23 agency at public expense.
24 d. Has not been enrolled in a postsecondary institution as a full-time
25 student taking at least 12 hours of academic credit.
26 e. Has not received a high school diploma.
27 f. ~~Meets at least one of the following requirements:~~
28 ~~1. Was enrolled in a North Carolina public school or a~~
29 ~~Department of Defense Elementary and Secondary School,~~
30 ~~established pursuant to 10 U.S.C. § 2164 and located in North~~
31 ~~Carolina, during the spring semester prior to the school year~~
32 ~~for which the student is applying. The Authority shall not count~~
33 ~~actual days of attendance to determine whether a child was~~
34 ~~enrolled in a qualifying school for that semester for the~~
35 ~~purposes of eligibility under this sub-sub-subdivision.~~



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2. ~~Received special education or related services through the North Carolina public schools as a preschool child with a disability during the spring semester prior to the school year for which the student is applying.~~
 3. ~~Received a scholarship for the school year prior to the school year for which the student is applying.~~
 4. ~~Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility under this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a disability prior to the end of the year of initial enrollment, (i) no reimbursement shall be awarded and (ii) the child shall not qualify the following year as an eligible student under sub-sub-subdivision 3. of this section.~~
 5. ~~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.~~
 6. ~~Is a child who has been domiciled in the State for at least six months.~~
 7. ~~Is a child in foster care as defined in G.S. 131D-10.2(9).~~
 8. ~~Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship application.~~
 9. ~~Is a child who meets both of the following:~~
 - I. ~~Was enrolled in a nonpublic school that meets the requirements of Article 39 of this Chapter during the spring semester prior to the school year for which the student is applying.~~
 - II. ~~Was enrolled for the entire school year immediately prior to the school year in which the student enrolled in the nonpublic school in one of the following:~~
 - A. ~~A North Carolina public school.~~
 - B. ~~A Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina."~~

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

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

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

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

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

6 **SECTION 2.1.** G.S. 115C-562.1(3) reads as rewritten:

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

10 a. Meets one of the following criteria:

11 1. Was a full-time student (i) assigned to and attending a public
12 school pursuant to G.S. 115C-366 or (ii) enrolled in a
13 Department of Defense Elementary and Secondary School,
14 established pursuant to 10 U.S.C. § 2164 and located in North
15 Carolina, during the spring semester prior to the school year
16 for which the student is applying.

17 2. Received a scholarship grant for the school year prior to the
18 school year for which the student is applying.

19 3. Is entering eligible to enter either kindergarten or the first
20 grade-grade pursuant to Article 25 of this Chapter. A child who
21 is the age of four on or before April 16 is eligible to attend the
22 following school year if the principal, or equivalent, of the
23 school in which the child seeks to enroll finds that the student
24 meets the requirements of G.S. 115C-364(d) and those
25 findings are submitted to the Authority with the child's
26 application.

27 4. Is a child in foster care as defined in G.S. 131D-10.2(9).

28 5. Is a child whose adoption decree was entered not more than
29 one year prior to submission of the scholarship grant
30 application.

31 6. Is a child whose parent or legal guardian is on full-time duty
32 status in the active uniformed service of the United States,
33 including members of the National Guard and Reserve on
34 active duty orders pursuant to 10 U.S.C. § 12301, et seq., and
35 10 U.S.C. § 12401, et seq.

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

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

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

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

- 1 (1) First priority shall be given to eligible students who received a scholarship
2 grant for the school year prior to the school year for which the students are
3 applying if those students have applied by March 1.
- 4 (2) After scholarship grants have been awarded to prior recipients as provided in
5 subdivision (1) of this subsection, scholarships shall be awarded with
6 remaining funds as follows:
- 7 a. At least fifty percent (50%) of the remaining funds shall be used to
8 award scholarship grants to eligible students residing in households
9 with an income level not in excess of the amount required for the
10 student to qualify for the federal free or reduced-price lunch program.
- 11 ~~b. No more than forty percent (40%) of the remaining funds shall be used
12 to award scholarship grants to eligible students entering either
13 kindergarten or first grade.~~
- 14 c. Any remaining funds shall be used to award scholarship grants to all
15 other eligible students."
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17 PART III. PERSONAL EDUCATION SAVINGS ACCOUNTS

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

- 19 "(3) Eligible student. – A student residing in North Carolina who has not yet
20 received a high school diploma and who meets all of the following
21 requirements:
- 22 a. Is eligible to attend a North Carolina public school pursuant to
23 G.S. 115C-366. Article 25 of this Chapter. A child who is the age of
24 four on or before April 16 is eligible to attend the following school
25 year if the principal, or equivalent, of the school in which the child
26 seeks to enroll finds that the student meets the requirements of
27 G.S. 115C-364(d) and those findings are submitted to the Authority
28 with the child's application.
- 29 b. Has not enrolled in a postsecondary institution in a matriculated status
30 eligible for enrollment for 12 hours of academic credit.
- 31 c. Is a child with a disability, as defined in G.S. 115C-106.3(1),
32 including, for example, intellectual disability, hearing impairment,
33 speech or language impairment, visual impairment, serious emotional
34 disturbance, orthopedic impairment, autism, traumatic brain injury,
35 other health impairments, specific learning disability, or disability as
36 may be required to be included under IDEA.
- 37 d. Has not been placed in a nonpublic school or facility by a public
38 agency at public expense."
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40 PART IV. EFFECTIVE DATE

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