

Senate Bill 33

By: Senators Moody of the 56th, Douglas of the 17th, Balfour of the 9th, Hooks of the 14th, Bulloch of the 11th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the  
2 "Quality Basic Education Act," so as to change certain provisions relating to determination  
3 of enrollment by institutional programs; to authorize the establishment of the Georgia Virtual  
4 School; to provide for rules and regulations; to provide for a Georgia Virtual School grant  
5 account; to provide for statutory construction; to provide for related matters; to provide an  
6 effective date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality  
10 Basic Education Act," is amended by striking subsection (a) of Code Section 20-2-160,  
11 relating to determination of enrollment by institutional programs, and inserting in its place  
12 a new subsection (a) to read as follows:

13 "(a) The State Board of Education shall designate the specific dates upon which two counts  
14 of students enrolled in each instructional program authorized under this article shall be  
15 made each school year and by which the counts shall be reported to the Department of  
16 Education. The initial enrollment count shall be made after October 1 but prior to  
17 November 17 and the final enrollment count after March 1 but prior to May 1. The report  
18 shall indicate the student's specific assigned program for each one-sixth segment of the  
19 school day on the designated reporting date. No program shall be indicated for a student  
20 for any one-sixth segment of the school day that the student is assigned to a study hall; a  
21 noncredit course; a course recognized under this article or by state board policy as an  
22 enrichment course, except a driver education course; a course which requires participation  
23 in an extracurricular activity for which enrollment is on a competitive basis; a course in  
24 which the student serves as a student assistant to a teacher, in a school office, or in the  
25 media center, except when such placement is an approved work site of a recognized career  
26 or vocational program; an individual study course for which no outline of course objectives

1 is prepared in writing prior to the beginning of the course; a course taken through the  
 2 Georgia Virtual School pursuant to Code Section 20-2-319; or any other course or activity  
 3 so designated by the state board. For the purpose of this Code section, the term 'enrichment  
 4 course' means a course which does not dedicate a major portion of the class time toward  
 5 the development and enhancement of one or more student competencies as adopted by the  
 6 state board under Code Section 20-2-140. A program shall not be indicated for a student  
 7 for any one-sixth segment of the school day for which the student is not enrolled in an  
 8 instructional program or has not attended a class or classes within the preceding ten days;  
 9 nor shall a program be indicated for a student for any one-sixth segment of the school day  
 10 for which the student is charged tuition or fees or is required to provide materials or  
 11 equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is  
 12 enrolled in an eligible institution under the program established in Code Section 20-2-161.1  
 13 may be counted for the high school program for only that portion of the day that the student  
 14 is attending the high school for those segments that are eligible to be counted under this  
 15 subsection. The state board shall adopt such regulations and criteria as necessary to ensure  
 16 objective and true counts of students in state approved instructional programs. The state  
 17 board shall also establish criteria by which students shall be counted as resident or  
 18 nonresident students, including specific circumstances which may include, but not be  
 19 limited to, students attending another local school system under court order or under the  
 20 terms of a contract between two local school systems. If a local school system has a  
 21 justifiable reason, it may seek authority from the state board to shift full-time equivalent  
 22 program counts from the designated date to a requested alternate date."

23

## SECTION 2.

24 Said article is further amended in Part 14, relating to other educational programs under the  
 25 "Quality Basic Education Act," by inserting at the end thereof a new Code Section 20-2-319  
 26 to read as follows:

27 "20-2-319.

28 (a) The State Board of Education is authorized to establish the Georgia Virtual School  
 29 whereby students may enroll in state funded courses via the Internet or in any other manner  
 30 not involving on-site interaction with a teacher. Any Georgia student who is age 21 or  
 31 younger shall be eligible to enroll in the Georgia Virtual School for a maximum of six  
 32 courses per school year at no cost to the student, provided that public school students shall  
 33 be given priority. The State Board of Education is authorized to promulgate rules and  
 34 regulations pertaining to the Georgia Virtual School. Such rules and regulations, if  
 35 established, shall include, at a minimum, a process for students to enroll in Georgia Virtual  
 36 School courses, including provisions allowing for students to participate in such courses

1 in excess of the six courses allowed per year at a tuition rate to be established by the State  
2 Board of Education, and a process whereby a student's grade in the course is reported on  
3 the student's transcript. All teachers who provide instruction through the Georgia Virtual  
4 School shall be certified by the Professional Standards Commission.

5 (b) The department is authorized to establish a Georgia Virtual School grant account with  
6 funds appropriated by the General Assembly. The amount of funds requested by the state  
7 board for this account shall be the amount that the participating students would have earned  
8 under this article if those students had been in equivalent general education programs in a  
9 local school system for that portion of the instructional day in which the students were  
10 actually enrolled in a Georgia Virtual School course. The department shall use funds from  
11 this grant account to pay for costs associated with the Georgia Virtual School incurred by  
12 the department, including, but not limited to, actual costs of tuition, materials, and fees  
13 directly related to the approved courses taken by the students through the Georgia Virtual  
14 School.

15 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2  
16 of Chapter 14 of this title."

17 **SECTION 3.**

18 This Act shall become effective upon its approval by the Governor or upon its becoming law  
19 without such approval.

20 **SECTION 4.**

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