

Senate Bill 289

By: Senators Rogers of the 21st, Millar of the 40th, Williams of the 19th and Albers of the 56th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to require students to take one course containing  
3 online learning; to provide for the online administration of end-of-course assessments; to  
4 require local school systems to provide opportunities for participation in part-time and  
5 full-time virtual instruction programs; to establish a list of providers; to provide requirements  
6 for providers; to provide for a report by the Department of Education on digital learning  
7 methods; to provide for blended learning courses in charter schools which include online  
8 instruction; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
11 secondary education, is amended in Part 2 of Article 6, relating to competencies and core  
12 curriculum under the "Quality Basic Education Act," by adding a new Code section to read  
13 as follows:

14 "20-2-140.1.

15 Beginning with students entering ninth grade in the 2013-2014 school year, each student  
16 shall complete at least one course containing online learning. This requirement shall be met  
17 through an online course offered by the Georgia Virtual School established pursuant to  
18 Code Section 20-2-319.1, through a course offered by the high school that significantly  
19 integrates online content, or through an online dual enrollment course offered by a  
20 postsecondary institution. A student who is enrolled in a full-time or part-time virtual  
21 instruction program pursuant to Code Section 20-2-319.3 meets this requirement."  
22

**SECTION 2.**

23 Said chapter is further amended in Code Section 20-2-281, relating to assessment of  
24 effectiveness of educational programs, by revising subsection (h) as follows:  
25

26 "(h) The State Board of Education, through the Department of Education, shall administer  
 27 the end-of-course assessments for core subject areas as defined by state board policy. The  
 28 state board shall promulgate a schedule for the development and administration of all  
 29 end-of-course tests by December 1, 2000. By the 2014-2015 school year, all end-of-course  
 30 assessments shall be administered online."

### 31 SECTION 3.

32 Said chapter is further amended in Part 14 of Article 6, relating to other educational programs  
 33 under the "Quality Basic Education Act," by adding new Code sections to read as follows:

34 "20-2-319.3.

35 (a) Beginning with the 2011-2012 school year, each local school system shall provide  
 36 opportunities to all students enrolled in public schools within its boundaries for  
 37 participation in part-time and full-time virtual instruction program options. Written notice  
 38 of such opportunities, including an open enrollment period for full-time students of at least  
 39 90 days and not ending earlier than 30 days prior to the first day of the school year, shall  
 40 be provided directly to all parents of such students. The purpose of the program shall be  
 41 to make quality virtual instruction available to students using online and distance learning  
 42 technology in the nontraditional classroom. The program shall provide at least three options  
 43 for:

44 (1) Full-time virtual instruction for students enrolled in kindergarten through grade 12;  
 45 and

46 (2) Part-time virtual instruction for students enrolled in grades 9 through 12.

47 A virtual instruction program conducted by a local school system shall include specific  
 48 provision for at least two full-time options and one part-time option for students enrolled  
 49 in dropout prevention and academic intervention programs or Department of Juvenile  
 50 Justice education programs under Code Section 20-2-133.

51 (b) To provide students with the option of participating in virtual instruction programs as  
 52 required by subsection (a) of this Code section, a local school system may apply one or all  
 53 of the following mechanisms:

54 (1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code  
 55 Section 20-2-319.1;

56 (2) Enter into a contract with an approved provider under subsection (c) of this Code  
 57 section for the provision of a full-time program under paragraph (1) of subsection (a) of  
 58 this Code section or a part-time program under paragraph (2) of subsection (a) of this  
 59 Code section; or

60 (3) Enter into an agreement with another local school system or systems to allow the  
 61 participation of its students in an approved virtual instruction program provided by such

62 other local school system or systems. The agreement shall indicate a process for the  
63 transfer of funds.

64 Contracts and agreements entered into pursuant to paragraphs (2) or (3) of this subsection  
65 may include multidistrict contractual arrangements that may be executed by a regional  
66 educational service agency for its member school systems.

67 (c) The department shall annually provide local school systems with a list of providers  
68 approved to offer virtual instruction programs. To be approved by the department, a  
69 provider shall document that it:

70 (1) Possesses prior, successful experience offering online courses to elementary, middle,  
71 or high school students, as demonstrated through quantified student performance  
72 improvements for each subject area and grade level provided for consideration as  
73 instructional program options;

74 (2) Assures instructional and curricular quality through a detailed curriculum and student  
75 performance accountability plan that addresses every subject and grade level intended for  
76 provision within local school system contracts, including:

77 (A) Courses and programs that meet the nationally recognized standards for K-12  
78 online learning;

79 (B) Instructional content and services that align with and measure student attainment  
80 of proficiency in the state-approved curriculum; and

81 (C) Mechanisms that determine and ensure that a student has satisfied requirements for  
82 grade level promotion and high school graduation with a standard diploma, as  
83 appropriate;

84 (3) Publishes, in accordance with disclosure requirements adopted by the State Board of  
85 Education, for the general public, as part of its application as a provider, and in all  
86 contracts negotiated pursuant to this Code section:

87 (A) Information and data about each full-time and part-time program regarding its  
88 curriculum;

89 (B) School policies and procedures;

90 (C) Certification status and physical location of all administrative and instructional  
91 personnel;

92 (D) Student teacher ratios;

93 (E) Student completion and promotion rates; and

94 (F) Student, educator, and school performance accountability outcomes.

95 (d) An approved provider shall retain its approved status for a period of three years after  
96 the date of the department's approval pursuant to subsection (c) of this Code section as long  
97 as the provider continues to comply with all requirements of this Code section; provided,  
98 however, that each provider approved by the department for the 2011-2012 school year

99 shall reapply for approval to provide a part-time program for students in grades 9 through  
 100 12.

101 (e) Each contract with an approved provider shall at a minimum set forth a detailed  
 102 curriculum plan that illustrates how students will be provided services for, and be measured  
 103 for attainment of, proficiency in state curriculum requirements for each grade level and  
 104 subject.

105 20-2-319.4.

106 No later than December 1, 2011, the Department of Education shall submit a report to the  
 107 Governor, the President of the Senate, and the Speaker of the House of Representatives  
 108 which identifies and explains the best methods and strategies for enabling the department  
 109 to assist local boards of education in acquiring digital learning at as reasonable prices as  
 110 possible by providing a plan under which local boards may voluntarily pool their bids for  
 111 such purchases. The report shall identify criteria that will enable local boards to  
 112 differentiate between the level of service as well as pricing based upon such factors as the  
 113 level of student support, the frequency of teacher-student communications, instructional  
 114 accountability standards, and academic integrity. The report shall also examine ways to  
 115 increase student access to digital learning including identification and analysis of the best  
 116 methods and strategies for implementing part-time virtual education in kindergarten  
 117 through fifth grade."

118 **SECTION 4.**

119 Said chapter is further amended in Code Section 20-2-2065, relating to waiver of provisions  
 120 of Title 20 and requirements for operating charter schools, by adding a new subsection to  
 121 read as follows:

122 "(c) A charter school may employ instructional methods for blended learning courses  
 123 consisting of both traditional classroom and online instructional techniques. Personnel  
 124 authorized to provide online instruction for blended learning courses shall be part-time or  
 125 full-time employees of the charter school, or contracted as a provider of the instructional  
 126 service, and shall hold a current certification from the Professional Standards Commission  
 127 to teach in the subject area of the blended learning course. A blended learning educator  
 128 may provide the online instruction remotely from a physical location other than that of the  
 129 charter school; provided, however, that students in blended learning courses shall be  
 130 full-time students of the charter school and shall receive the online instruction from the  
 131 physical location of the charter school. For purposes of funding and accountability  
 132 measures, blended learning courses shall be considered the same as traditional courses."

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**SECTION 5.**

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