

The Senate Education and Youth Committee offered the following substitute to HB 175:

A BILL TO BE ENTITLED
AN ACT

To amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," so as to provide various additional academic and extracurricular options for students; to enact the "Online Clearinghouse Act"; to create a clearinghouse through which local school systems and charter schools may offer their computer-based courses to students in other local school systems and charter schools; to provide for definitions; to provide for procedures and requirements for offering a course through the clearinghouse; to provide for enrollment in virtual courses offered through the clearinghouse; to provide for course fees and payment; to provide for assignment of grades; to provide for offering of courses as dual enrollment and to nonpublic school students; to provide for rules and regulations; to provide for statutory construction; to enact the "Rachel Sackett Act"; to authorize public school students to participate in extracurricular activities at other public schools in their attendance zone; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," is amended by adding new Code sections to read as follows:

"20-2-319.3.

(a) This Code section shall be known and may be cited as the 'Online Clearinghouse Act.'

(b) As used in this Code section, the term:

(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code

Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code Section 20-2-2081.

(2) 'Clearinghouse' means the clearinghouse established pursuant to subsection (b) of this Code section.

(3) 'One credit' and 'half-credit' mean the customary academic unit of credit granted for secondary school courses in this state.

(4) 'Student's school system' means the local school system operating the school in which the student is lawfully enrolled.

(c)(1) The department shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by local school systems and charter schools for sharing with other local school systems and charter schools for the fee set pursuant to subsection (e) of this Code section. The department shall review the content of each course prior to including it in the clearinghouse to ensure that it meets state curriculum standards. The department is authorized to approve courses for inclusion in the clearinghouse if the content meets state curriculum standards, the applicant meets all technical requirements, and the course is delivered by a highly qualified teacher who exhibits exceptional teaching skills and methodology as certified by the local school system or charter school, which teacher's credentials and skills shall be subject to review and approval by the department.

(2) To offer a course through the clearinghouse, a local school system or charter school shall apply to the department in a form and manner prescribed by the department. The application for each course shall describe the course of study in as much detail as required by the department, the qualification and credentials of the teacher, the number of hours of instruction, the technology required to deliver and receive the course, the technical capacity of the local school system or charter school to deliver the course, the times that the local school system or charter school plans to deliver the course, and any other information required by the department. The department may require local school systems and charter schools to include in their applications information recommended by the State Board of Education.

(3) The department shall review the technical specifications of each application submitted pursuant to paragraph (2) of this subsection and shall determine if the local school system or charter school can satisfactorily deliver the course through the technology necessary for that delivery. All such courses shall be delivered only in accordance with technical specifications approved by the department.

(4) The department may request additional information from a local school system or charter school that submits an application pursuant to paragraph (2) of this subsection, if the department determines that such information is necessary. The department may

negotiate changes in the proposal to offer a course, if the department determines that changes are necessary in order to approve the course.

(5) The department shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(A) Information necessary for a student and the student's parent, guardian, or custodian and the student's school system or the student's charter school to decide whether to enroll in the course; and

(B) Instructions for enrolling in that course, including deadlines for enrollment.

(6) The department shall identify the copyright owner of each course in the catalog and shall assist local school systems and charter schools in understanding the process of registering copyrights and other protections of intellectual property under federal law, if requested.

(d)(1) A student who is enrolled in a school operated by a local school system or in a charter school may enroll in a course included in the clearinghouse only if both of the following conditions are satisfied:

(A) The student's enrollment in the course is approved by the student's school system or the student's charter school; and

(B) The student's school system or the student's charter school agrees to accept for credit the grade assigned by the local school system or charter school delivering the course.

(2) For each student enrolling in a course, the student's school system or the student's charter school shall transmit the student's identification number and the student's name to the local school system or charter school delivering the course. The school system or charter school delivering the course may request from the student's school system or the student's charter school other information from the student's school record. The student's school system or the student's charter school shall provide the requested information only in accordance with state law.

(3) The student's school system or the student's charter school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the department.

(4) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school system or the student's charter school.

(5) A student who is enrolled in a school operated by a local school system or in a charter school and who takes a course included in the clearinghouse shall be counted in the funding formula of the student's school system or the student's charter school as if the student were taking the course from the student's school system or the student's charter school.

(e)(1) The department shall set appropriate fees for one-credit and half-credit courses.

(2) The department shall proportionally reduce the fee for any student who withdraws from a course prior to the end of the course pursuant to paragraph (4) of subsection (d) of this Code section.

(3) For each student enrolled in a course included in the clearinghouse, and not later than the last day of that course, the department shall deduct the amount of the fee for that course from the student's school system or charter school allotment and shall pay that amount to the local school system or charter school delivering the course.

(4) From the funds received pursuant to paragraph (3) of this subsection, the local school system or charter school delivering the course shall pay the teacher conducting the course such additional amount of compensation as set by the department based on the number of students taking the course and the course fee.

(f) The grade for a student who enrolls in a course included in the clearinghouse shall be assigned by the local school system or charter school that delivers the course and shall be transmitted by that school system or charter school to the student's school system or the student's charter school.

(g) The department may determine the manner in which a course included in the clearinghouse may be offered as a dual enrollment program, may be offered to students who are enrolled in nonpublic schools or a home study program pursuant to Code Section 20-2-690, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.

(h) The department shall promulgate rules and regulations for the implementation of this Code section. The department may coordinate the clearinghouse established pursuant to this Code section with the Georgia Virtual School established pursuant to Code Section 20-2-319.1.

(i) Nothing in this Code section shall prohibit a local school system or charter school from offering an interactive distance learning course or other distance learning course using a computer-based method through any means other than the clearinghouse established and maintained under this Code section.

20-2-319.4.

(a) This Code section shall be known and may be cited as the 'Rachel Sackett Act.'

(b) As used in this Code section, the term:

(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code Section 20-2-2081.

(2) 'Nonenrolled student' means a student enrolled in a traditional public school, a charter school, or a virtual school who resides within the attendance zone of another public school but who is not enrolled in such school. For purposes of a charter school and a virtual school, the attendance zone shall be as designated in its charter.

(3) 'Public school' means, without limitation, a traditional public school and a charter school.

(4) 'Virtual school' means a charter school in which students attend all courses via the Internet or other electronic medium not involving on-site interaction with a teacher.

(c) A public school shall allow any nonenrolled student to participate in any extracurricular activity offered or conducted by such public school in the same manner as any student currently enrolled at such public school as long as the public school that the student is attending does not offer such extracurricular activity. A nonenrolled public school student desiring to participate in an extracurricular activity shall register with the principal of the public school, or his or her designee, such intent to participate in extracurricular activities of the public school in accordance with rules and regulations established by the State Board of Education. The final approval for such participation shall reside in the discretion of the principal which shall only be withheld with just cause in accordance with state board rules and regulations as established pursuant to subsection (e) of this Code section and in accordance with local board policies, or State Board of Education or Georgia Charter Schools Commission policies, for a state chartered special school or a commission charter school, respectively. If approval is not granted, the principal shall provide notice in writing to the student and his or her parent or guardian which shall include the reason the participation was not approved.

(d) A nonenrolled student shall comply with the same rules and requirements and be subject to the same code of conduct applicable to any student's participation in the same activity.

(e) The State Board of Education shall establish rules and regulations to implement the provisions of this Code section, including procedures to follow if the interest in an extracurricular activity at a particular public school exceeds the capacity of such activity."

SECTION 2.

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