

SENATE SUBSTITUTE TO HB 175:

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

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

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

**SECTION 1.**

17  
18 Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
19 relating to other educational programs under the "Quality Basic Education Act," is amended  
20 by adding new Code sections to read as follows:

21 "20-2-319.3.

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

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

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

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

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

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

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

34 (c)(1) The department shall establish a clearinghouse of interactive distance learning  
35 courses and other distance learning courses delivered via a computer-based method  
36 offered by local school systems and charter schools for sharing with other local school  
37 systems and charter schools for the fee set pursuant to subsection (e) of this Code section.

38 The department shall review the content of each course prior to including it in the  
39 clearinghouse to ensure that it meets state curriculum standards. The department is  
40 authorized to approve courses for inclusion in the clearinghouse if the content meets state  
41 curriculum standards, the applicant meets all technical requirements, and the course is  
42 delivered by a highly qualified teacher who exhibits exceptional teaching skills and  
43 methodology as certified by the local school system or charter school, which teacher's  
44 credentials and skills shall be subject to review and approval by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 100 (e)(1) The department shall set appropriate fees for one-credit and half-credit courses.  
101 (2) The department shall proportionally reduce the fee for any student who withdraws  
102 from a course prior to the end of the course pursuant to paragraph (4) of subsection (d)  
103 of this Code section.  
104 (3) For each student enrolled in a course included in the clearinghouse, and not later than  
105 the last day of that course, the department shall deduct the amount of the fee for that  
106 course from the student's school system or charter school allotment and shall pay that  
107 amount to the local school system or charter school delivering the course.  
108 (4) From the funds received pursuant to paragraph (3) of this subsection, the local school  
109 system or charter school delivering the course shall pay the teacher conducting the course  
110 such additional amount of compensation as set by the department based on the number  
111 of students taking the course and the course fee.  
112 (f) The grade for a student who enrolls in a course included in the clearinghouse shall be  
113 assigned by the local school system or charter school that delivers the course and shall be  
114 transmitted by that school system or charter school to the student's school system or the  
115 student's charter school.  
116 (g) The department may determine the manner in which a course included in the  
117 clearinghouse may be offered as a dual enrollment program, may be offered to students  
118 who are enrolled in nonpublic schools or a home study program pursuant to Code Section  
119 20-2-690, or may be offered at times outside the normal school day or school week,  
120 including any necessary additional fees and methods of payment for a course so offered.  
121 (h) The department shall promulgate rules and regulations for the implementation of this  
122 Code section. The department may coordinate the clearinghouse established pursuant to  
123 this Code section with the Georgia Virtual School established pursuant to Code Section  
124 20-2-319.1.  
125 (i) Nothing in this Code section shall prohibit a local school system or charter school from  
126 offering an interactive distance learning course or other distance learning course using a  
127 computer-based method through any means other than the clearinghouse established and  
128 maintained under this Code section.

129

## SECTION 2.

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