

House Bill 175 (AS PASSED HOUSE AND SENATE)

By: Representatives Casas of the 103rd, Harrell of the 106th, Davis of the 109th, Brockway of the 101st, Nix of the 69th, and others

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 provide for related matters; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

18 "20-2-319.3.

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

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

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

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

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

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

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

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

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

57 (4) The department may request additional information from a local school system or
58 charter school that submits an application pursuant to paragraph (2) of this subsection,
59 if the department determines that such information is necessary. The department may
60 negotiate changes in the proposal to offer a course, if the department determines that
61 changes are necessary in order to approve the course.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113 (g) The department may determine the manner in which a course included in the
114 clearinghouse may be offered as a dual enrollment program, may be offered to students
115 who are enrolled in nonpublic schools or a home study program pursuant to Code Section
116 20-2-690, or may be offered at times outside the normal school day or school week,
117 including any necessary additional fees and methods of payment for a course so offered.

118 (h) The department shall promulgate rules and regulations for the implementation of this
119 Code section. The department may coordinate the clearinghouse established pursuant to
120 this Code section with the Georgia Virtual School established pursuant to Code Section
121 20-2-319.1.

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

126 **SECTION 2.**

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