

Senate Bill 289

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

AS PASSED

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 maximize the number of students taking at least
3 one course containing online learning prior to graduation; to provide for the online
4 administration of end-of-course assessments; to revise provisions relating to the Georgia
5 Virtual School; to require local school systems to provide opportunities for participation in
6 part-time and full-time virtual instruction programs; to establish a list of providers; to provide
7 requirements for providers; to provide for a report by the Department of Education on digital
8 learning methods; to revise provisions relating to textbooks; to repeal a provision relating to
9 electronic devices in schools; to provide for related matters; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

17 "20-2-140.1.

18 The State Board of Education shall establish rules and regulations to maximize the number
19 of students, beginning with students entering ninth grade in the 2014-2015 school year,
20 who complete prior to graduation at least one course containing online learning. This shall
21 be met through an online course offered by the Georgia Virtual School established pursuant
22 to Code Section 20-2-319.1, through an online dual enrollment course offered by a
23 postsecondary institution, or through a provider approved pursuant to subsection (c) of
24 Code Section 20-2-319.3. This shall also include enrollment in a full-time or part-time
25 virtual instruction program pursuant to Code Section 20-2-319.3."

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SECTION 2.

Said chapter is further amended in Code Section 20-2-160, relating to determination of enrollment by institutional program and determination of funds to be appropriated to local school systems, by revising subsection (a) as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career or vocational program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; ~~a course taken through the Georgia Virtual School pursuant to Code Section 20-2-319.1~~; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another

62 local school system under court order or under the terms of a contract between two local
 63 school systems. If a local school system has a justifiable reason, it may seek authority from
 64 the state board to shift full-time equivalent program counts from the designated date to a
 65 requested alternate date."

66 SECTION 3.

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

69 "(h) The State Board of Education, through the Department of Education, shall administer
 70 the end-of-course assessments for core subject areas as defined by state board policy. The
 71 state board shall promulgate a schedule for the development and administration of all
 72 end-of-course tests ~~by December 1, 2000.~~ By the 2015-2016 school year, the State Board
 73 of Education shall make all end-of-course assessments available online and shall establish
 74 rules and regulations to maximize the number of students and school systems utilizing such
 75 online assessments."

76 SECTION 4.

77 Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia
 78 Virtual School, as follows:

79 "20-2-319.1.

80 (a) The State Board of Education is authorized to establish the Georgia Virtual School
 81 whereby students may enroll in state funded courses via the Internet or in any other manner
 82 not involving on-site interaction with a teacher. Any Georgia student who is age 21 or
 83 younger shall be eligible to enroll in the Georgia Virtual School, at no cost to the student;
 84 ~~provided that public school students shall be given priority.~~ The State Board of Education
 85 is authorized to promulgate rules and regulations pertaining to the Georgia Virtual School.
 86 Such rules and regulations, if established, shall include, at a minimum, a process for
 87 students to enroll in Georgia Virtual School courses, ~~including provisions allowing for~~
 88 ~~students to participate in such courses in excess of any maximum number of courses~~
 89 ~~allowed per year at a tuition rate to be established by the State Board of Education,~~ and a
 90 process whereby a student's grade in the course is reported on the student's transcript. All
 91 teachers who provide instruction through the Georgia Virtual School shall be certified by
 92 the Professional Standards Commission. A local school system shall not prohibit any
 93 student from taking a course through the Georgia Virtual School, regardless of whether the
 94 school in which the student is enrolled offers the same course.

95 (b)(1) The department is authorized to establish a Georgia Virtual School grant account
 96 with funds appropriated by the General Assembly. ~~The amount of funds requested by the~~

97 ~~state board for this account shall be the amount that the participating students would have~~
 98 ~~earned under this article if those students had been in equivalent general education~~
 99 ~~programs in a local school system for that portion of the instructional day in which the~~
 100 ~~students were actually enrolled in a Georgia Virtual School course. The department shall~~
 101 ~~use funds from this grant account to pay for costs associated with the Georgia Virtual~~
 102 ~~School incurred by the department, including, but not limited to, actual costs of tuition,~~
 103 ~~materials, and fees directly related to the approved courses taken by the students through~~
 104 ~~the Georgia Virtual School~~ associated with the maintenance of the Georgia Virtual
 105 School, such as new course development, credit recovery, blended learning training, and
 106 operating a clearinghouse.

107 (2) The local school system shall pay to the department costs for tuition, materials, and
 108 fees directly related to the approved course taken by a student in its school system
 109 through the Georgia Virtual School; provided, however, that in no event shall the amount
 110 of tuition charged to the local school system exceed \$250.00 per student per semester
 111 course.

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

114 SECTION 5.

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

117 "20-2-319.3.

118 (a) Beginning with the 2013-2014 school year, each local school system shall provide
 119 opportunities to all students in grades three through 12 enrolled in public schools within
 120 its boundaries for participation in part-time and full-time virtual instruction program
 121 options. Written notice of such opportunities, including an open enrollment period for
 122 full-time students of at least 90 days and not ending earlier than 30 days prior to the first
 123 day of the school year, shall be provided directly to parents of all students. The purpose of
 124 the program shall be to make quality virtual instruction available to students using online
 125 and distance learning technology in the nontraditional classroom. The program shall
 126 provide at least three options for:

127 (1) Full-time virtual instruction for students enrolled in grades three through 12; and

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

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

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

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

138 (2) Enter into a contract with an approved provider under subsection (c) of this Code
139 section for the provision of a full-time program under paragraph (1) of subsection (a) of
140 this Code section or a part-time program under paragraph (2) of subsection (a) of this
141 Code section; or

142 (3) Enter into an agreement with another local school system or systems to allow the
143 participation of its students in an approved virtual instruction program provided by such
144 other local school system or systems. The agreement shall indicate a process for the
145 transfer of funds.

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

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

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

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

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

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

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

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

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

171 (B) School policies and procedures;

172 (C) Certification status of all administrative and instructional personnel;

173 (D) Teacher-student ratios;

174 (E) Student completion and promotion rates; and

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

176 (d) An approved provider shall retain its approved status for a period of five years after the
 177 date of the department's approval pursuant to subsection (c) of this Code section as long
 178 as the provider continues to comply with all requirements of this Code section; provided,
 179 however, that each provider approved by the department for the 2013-2014 school year
 180 shall reapply for approval to provide a part-time program for students in grades three
 181 through 12.

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

186 20-2-319.4.

187 No later than December 1, 2012, the Department of Education shall submit a report to the
 188 Governor, the President of the Senate, and the Speaker of the House of Representatives
 189 which identifies and explains the best methods and strategies for enabling the department
 190 to assist local boards of education in acquiring digital learning at as reasonable prices as
 191 possible by providing a plan under which local boards may voluntarily pool their bids for
 192 such purchases. The report shall identify criteria that will enable local boards to
 193 differentiate between the level of service as well as pricing based upon such factors as the
 194 level of student support, the frequency of teacher-student communications, instructional
 195 accountability standards, and academic integrity. The report shall also examine ways to
 196 increase student access to digital learning."

197 **SECTION 6.**

198 Said chapter is further amended in Code Section 20-2-1013, relating to the free textbook
 199 system, care and protection of textbooks, library books, and media materials, and
 200 reimbursement by pupils or parents, by revising subsection (b) as follows:

201 "(b) All hardbound or softbound textbooks, library books, and media materials purchased
 202 by local units of administration with state Quality Basic Education Program funds or any
 203 other means of acquisition shall remain the property of the local unit purchasing or

204 acquiring them. Assistive technology devices and digital versions of textbooks that are
 205 acquired may remain the property of the student; provided, however, that this shall not be
 206 construed to violate any contracts or copyright laws. Each local unit of administration shall
 207 establish such policies as it deems necessary for the care and protection of its textbooks,
 208 library books, and media materials as a condition to receiving all or part of the state
 209 contributed Quality Basic Education Program funds allotted to the local unit. Such policies
 210 may include any of the following sanctions against a pupil who fails or refuses to pay for
 211 a lost or damaged textbook, library book, or media material at the replacement cost:

212 (1) Refusal to issue any additional textbooks, library books, or media materials until
 213 restitution is made; or

214 (2) Withholding of all grade cards, diplomas, or certificates of progress until restitution
 215 is made.

216 No local unit of administration shall require any pupil or parent to purchase any textbook,
 217 library book, or media material except in cases where the pupil damages, loses, or defaces
 218 such item either through willful intent or neglect."

219 **SECTION 7.**

220 Said chapter is further amended by revising Code Section 20-2-1015, relating to the
 221 electronic format version requirement, as follows:

222 "20-2-1015.

223 The publisher of a textbook recommended by the State Board of Education shall provide
 224 an electronic format version of such textbook, which may include a digital version."

225 **SECTION 8.**

226 Said chapter is further amended by repealing and reserving Code Section 20-2-1183, relating
 227 to possession of electronic communication devices in school.

228 **SECTION 9.**

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