

Senate Bill 132

By: Senators Dugan of the 30th, Tippins of the 37th, Millar of the 40th, Tate of the 38th,
Sims of the 12th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the "Quality Basic Education Act," so as to revise provisions relating to the
3 program for high school students to attend postsecondary institutions; to provide for a short
4 title; to provide a program for eligible students to take dual credit courses; to repeal a statute
5 relating to dual credit courses; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
10 "Quality Basic Education Act," is amended by revising Code Section 20-2-161.3, relating
11 to the program for high school students to attend postsecondary institutions, as follows:

12 "20-2-161.3.

13 (a) This Code section shall be known and may be cited as the 'Move on When Ready Act.'

14 ~~(a)~~(b) For purposes of this Code section, the term:

15 (1) 'Commission' means the Georgia Student Finance Commission created by Code
16 Section 20-3-233.

17 ~~(1)~~(2) 'Department' means the Department of Education.

18 (3) 'Dual credit course' means a postsecondary course, including a virtual course, taken
19 by an eligible high school student pursuant to an arrangement at or through an eligible
20 postsecondary institution for which the student receives secondary credit from his or her
21 eligible high school.

22 (4) 'Eligible high school' means any private or public secondary educational institution
23 located within the State of Georgia and any home study program operated pursuant to
24 Code Section 20-2-690.

25 ~~(3)~~(5) 'Eligible high school student' means a student entering ninth, tenth, eleventh, or
 26 twelfth grade ~~who spent the prior school year in attendance at a public~~ an eligible high
 27 school ~~in this state.~~

28 ~~(2)~~(6) 'Eligible postsecondary institution' or 'postsecondary institution' means any
 29 eligible postsecondary institution as defined in paragraph (7) of Code Section 20-3-519.

30 ~~(4)~~ 'Prior school year in attendance' means that the student was reported as enrolled in
 31 a public school for funding purposes during the preceding October and March full-time
 32 equivalent (FTE) program counts in accordance with Code Section 20-2-160.

33 ~~(5)~~(7) 'Program' means the arrangement authorized by this Code section whereby an
 34 eligible high school student takes ~~all of his or her~~ one or more dual credit courses ~~at or~~
 35 ~~through an eligible institution or a virtual course approved by the State Board of~~
 36 Education and receives secondary credit from his or her high school with the goal of
 37 completing ~~graduation~~ postsecondary credit and high school diploma requirements.

38 ~~(6)~~(8) 'Secondary credit' means high school credit for dual credit courses taken at or
 39 through an eligible postsecondary institution under the program.

40 ~~(b)~~(c) Any eligible high school student may apply to an eligible postsecondary institution
 41 to take one or more dual credit courses at or through that postsecondary institution which
 42 are approved for secondary credit pursuant to subsection ~~(d)~~ (f) of this Code section. If
 43 accepted at an eligible postsecondary institution, such eligible high school student may take
 44 any such approved dual credit course at or through that postsecondary institution, whether
 45 or not the course is taught during the regular public eligible high school day, and receive
 46 secondary credit therefor under the conditions provided in this Code section. ~~An eligible~~
 47 ~~institution which accepts an eligible student authorized to apply for enrollment under the~~
 48 ~~program shall not receive any state funds for that student unless such institution complies~~
 49 ~~with the requirements of this Code section regarding eligible institutions.~~

50 ~~(e)~~(d) In consultation with and subject to approval by the commission, the ~~The~~ department
 51 shall develop appropriate forms and counseling guidelines for the program and shall make
 52 such forms and guidelines available to ~~local school systems~~ eligible high schools and
 53 eligible postsecondary institutions. No later than the first day of ~~April~~ February each year,
 54 each ~~local school system~~ eligible high school shall provide general information about the
 55 program, including such forms, to all its ~~tenth and eleventh grade~~ eligible high school
 56 students. An eligible high school ~~A local school system~~ shall also provide counseling
 57 services ~~in accordance with the counseling guidelines provided by the department to such~~
 58 students and their parents or guardians before the students enroll in the program. Prior to
 59 participating in the program, the student and the student's parent or guardian shall sign the
 60 form provided by the ~~school system~~ eligible high school or by an eligible postsecondary
 61 institution stating that they have received the counseling specified in this subsection and

62 that they understand the responsibilities that shall be assumed in participating in the
 63 program. Program information and materials shall be provided to each eighth grade public
 64 school student at the time the student is developing his or her individual graduation plan
 65 as required by Code Section 20-2-327.

66 (e) Each eligible high school shall be required to execute a participation agreement as
 67 prescribed by the commission.

68 ~~(d)(f)(1) A participating eligible high school A local school system shall grant academic~~
 69 secondary credit to an eligible high school student enrolled in a dual credit course in an
 70 eligible postsecondary institution if that course has been approved by the State Board of
 71 Education and if such student successfully completes that course. The State Board of
 72 Education shall approve any such course which is substantially comparable to a state
 73 approved course. The secondary credit granted shall be for the a comparable required
 74 course; career, technical, and agricultural education course; or elective course and course
 75 hours approved by the State Board of Education. Upon completion of an eligible
 76 postsecondary institution's approved dual credit course, the eligible high school student
 77 shall be responsible for requesting that the eligible postsecondary institution notify the
 78 student's local school system eligible high school regarding his or her grade in that
 79 course.

80 (2) Secondary ~~school~~ credits granted for eligible postsecondary institution dual credit
 81 courses under paragraph (1) of this subsection shall be counted toward State Board of
 82 Education by the eligible high school toward graduation requirements and subject area
 83 requirements of the local school system eligible high school. Evidence of successful
 84 completion of each dual credit course and secondary credits granted shall be included in
 85 the eligible high school student's secondary school records.

86 (3) A participating eligible high school shall be required ~~The State Board of Education~~
 87 ~~shall establish rules to require local school systems~~ to award a high school diploma to any
 88 eligible high school student who is enrolled at or through an eligible postsecondary
 89 institution under the program as long as the credit earned at or through such
 90 postsecondary institution satisfies course requirements needed for the eligible high school
 91 student to complete high school graduation. The State Board of Education, in
 92 consultation with the State Board of the Technical College System of Georgia and the
 93 Board of Regents of the University System of Georgia, shall determine appropriate
 94 courses to meet these requirements. No later than July 1, 2015, the Department of
 95 Education shall communicate to high schools the subject area requirements or elective
 96 courses that may be satisfied with dual credit courses provided by eligible postsecondary
 97 institutions, which shall include completion of:

98 (A) At least the following state required ninth and tenth grade level high school courses
 99 or their equivalent: two English courses, two mathematics courses, two science courses,
 100 two social studies courses, and one health and physical education course; and any state
 101 required tests associated with any such courses; and

102 (B) One of the following:

103 (i) An associate degree program;

104 (ii) A technical college diploma program and all postsecondary academic education
 105 and technical education and training prerequisites for any state, national, or industry
 106 occupational certifications or licenses required to work in the field; or

107 (iii) At least two technical college certificate of credit programs in one specific career
 108 pathway and all postsecondary academic education and technical education and
 109 training prerequisites for any state, national, or industry occupational certifications or
 110 licenses required to work in the field as determined by the Technical College System
 111 of Georgia. The department shall consult the Board of Regents of the University
 112 System of Georgia and the State Board of the Technical College System of Georgia
 113 in developing rules and regulations to be recommended to the State Board of
 114 Education for approval regarding the eligibility criteria for program participation.

115 ~~(e)(1) The department shall pay to eligible institutions through appropriation of state~~
 116 ~~funds the lesser of the following amounts for each participating eligible student enrolled~~
 117 ~~therein, less a records fee of \$200.00 for administration costs of the local school system:~~

118 ~~(A) The actual cost of tuition, materials, and fees directly related to the courses taken~~
 119 ~~by the eligible student at such institution; or~~

120 ~~(B) The amount that the participating eligible student would have earned under this~~
 121 ~~article if he or she had been in equivalent instructional programs in the local school~~
 122 ~~system.~~

123 ~~(2) The total allotment of state funds to the local school system in which a participating~~
 124 ~~student is enrolled at an eligible institution pursuant to this Code section shall be~~
 125 ~~calculated as otherwise provided in this article with an ensuing reduction equivalent to~~
 126 ~~the amount of state funds appropriated to such eligible institution pursuant to this~~
 127 ~~subsection.~~

128 ~~(3) The records fee contained in paragraph (1) of this subsection may be increased by the~~
 129 ~~State Board of Education by up to 4 percent annually, at the board's sole discretion.~~

130 ~~(4) An eligible institution shall not charge an eligible student for coursework taken~~
 131 ~~pursuant to this program and shall accept the payment made pursuant to paragraph (1) of~~
 132 ~~this subsection as full payment for such eligible student.~~

133 ~~(f) The State Board of Education shall establish rules and regulations relating to applicable~~
 134 ~~state and federal testing requirements for eligible students participating in the program.~~

135 ~~(g) An eligible student enrolled in an eligible institution for secondary credit shall not be~~
 136 ~~eligible for any other state student financial aid at an eligible institution for courses taken~~
 137 ~~under the program. Any person who knowingly makes or furnishes any false statement or~~
 138 ~~misrepresentation, or who accepts such statement or misrepresentation knowing it to be~~
 139 ~~false, for the purpose of enabling an eligible institution to obtain wrongfully any payment~~
 140 ~~under this Code section shall be guilty of a misdemeanor.~~

141 ~~(h)~~(g) Hours for dual credit courses taken at or through an eligible postsecondary
 142 institution pursuant to this Code section by a ~~participating~~ an eligible high school student
 143 shall not count against any maximum hourly caps which may be applicable for purposes
 144 of HOPE scholarships or grants.

145 ~~(i)~~(h) The commission is authorized to promulgate rules and regulations not inconsistent
 146 with the provisions of this Code section relating to the program described in this Code
 147 section.

148 (i) Every eligible postsecondary institution shall be subject to examination by the
 149 commission for the sole purpose of determining whether such postsecondary institution has
 150 properly complied with rules and regulations established pursuant to this Code section.
 151 Such examination shall be conducted by the commission no less frequently than once every
 152 three years. The commission is authorized to conduct the examination using sampling and
 153 extrapolation techniques. However, nothing in this subsection shall be construed to
 154 interfere with the authority of the postsecondary institution to determine its own
 155 curriculum, philosophy, purpose, or administration. In the event it is determined that a
 156 postsecondary institution knowingly or through error certified an ineligible student to be
 157 eligible for the program established under this Code section, the amount paid to the
 158 postsecondary institution pursuant to such certification shall be refunded by the
 159 postsecondary institution to the commission. The commission may suspend a
 160 postsecondary institution from receiving payments under this Code section if it fails to
 161 refund any moneys deemed due pursuant to this subsection.

162 (j) In order to participate in the program, each eligible postsecondary institution shall be
 163 required to enter into a participation agreement with the commission agreeing to:

164 (1) Waive all mandatory and noncourse related fees for eligible high school students
 165 participating in the program;

166 (2) Provide course books to eligible high school students participating in the program at
 167 no charge to the student; and

168 (3) Accept the amount paid by the commission as full payment for an eligible high
 169 school student's tuition, mandatory and noncourse related fees, and course books.

170 (k) The funding provided to the commission for the program shall be subject to annual
 171 appropriations enacted by the General Assembly beginning in Fiscal Year 2016. The

172 commission shall set criteria for funding for tuition, mandatory and noncourse related fees,
 173 course books, and transportation. The amount of such funds to be paid shall be determined
 174 by the commission. The commission shall create a grant program, subject to the
 175 availability of funds, pursuant to which participating public eligible high schools may apply
 176 for transportation grants. Such grants shall be awarded based on criteria, terms, and
 177 conditions determined by the commission in consultation with the department.

178 (l) In the event the funds made available to the commission are not sufficient to enable the
 179 commission to meet all funding requirements of the program, the amount paid to eligible
 180 postsecondary institutions shall be reduced by the commission. Under no circumstances
 181 shall the eligible postsecondary institutions require an eligible high school student
 182 participating in the program to pay for tuition, mandatory and noncourse related fees, or
 183 course books.

184 (m) Students enrolled in a work based learning program under Code Section 20-2-161.2
 185 may be eligible to earn dual credit upon completing a planned training experience under
 186 guidelines developed by the Department of Education and the Technical College System
 187 of Georgia provided students meet postsecondary readiness established in reading and
 188 writing and mathematics for the particular advanced training program or associate's
 189 degree."

190 **SECTION 2.**

191 Said article is further amended by revising subsection (a.1) of Code Section 20-2-157,
 192 relating to uniform reporting system for certain purposes, dual credit courses, and academic
 193 eligibility requirements to receive a HOPE scholarship, as follows:

194 "(a.1) As used in this Code section, the term 'dual credit course' shall have the same
 195 meaning as in Code Section ~~20-2-159.5~~ 20-2-161.3."

196 **SECTION 3.**

197 Said article is further amended by repealing in its entirety Code Section 20-2-159.5, relating
 198 to dual credit courses and requirements.

199 **SECTION 4.**

200 Said article is further amended by revising subsection (a) of Code Section 20-2-160, relating
 201 to determination of enrollment by institutional program and determination of funds to be
 202 appropriated, as follows:

203 "(a) The State Board of Education shall designate the specific dates upon which two counts
 204 of students enrolled in each instructional program authorized under this article shall be
 205 made each school year and by which the counts shall be reported to the Department of

206 Education. The initial enrollment count shall be made after October 1 but prior to
 207 November 17 and the final enrollment count after March 1 but prior to May 1. The report
 208 shall indicate the student's specific assigned program for each one-sixth segment of the
 209 school day on the designated reporting date. No program shall be indicated for a student
 210 for any one-sixth segment of the school day that the student is assigned to a study hall; a
 211 noncredit course; a course recognized under this article or by state board policy as an
 212 enrichment course, except a driver education course; a course which requires participation
 213 in an extracurricular activity for which enrollment is on a competitive basis; a course in
 214 which the student serves as a student assistant to a teacher, in a school office, or in the
 215 media center, except when such placement is an approved work site of a recognized career,
 216 technical, and agricultural education laboratory program; an individual study course for
 217 which no outline of course objectives is prepared in writing prior to the beginning of the
 218 course; or any other course or activity so designated by the state board. For the purpose
 219 of this Code section, the term 'enrichment course' means a course which does not dedicate
 220 a major portion of the class time toward the development and enhancement of one or more
 221 student competencies as adopted by the state board under Code Section 20-2-140. A
 222 program shall not be indicated for a student for any one-sixth segment of the school day
 223 for which the student is not enrolled in an instructional program or has not attended a class
 224 or classes within the preceding ten days; nor shall a program be indicated for a student for
 225 any one-sixth segment of the school day for which the student is charged tuition or fees or
 226 is required to provide materials or equipment beyond those authorized pursuant to Code
 227 Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code
 228 Section ~~20-2-159.5~~ 20-2-161.3 shall be counted for the high school program or other
 229 appropriate program for each segment in which the student is attending such dual credit
 230 course. The state board shall adopt such regulations and criteria as necessary to ensure
 231 objective and true counts of students in state approved instructional programs. The state
 232 board shall also establish criteria by which students shall be counted as resident or
 233 nonresident students, including specific circumstances which may include, but not be
 234 limited to, students attending another local school system under court order or under the
 235 terms of a contract between two local school systems. If a local school system has a
 236 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 237 program counts from the designated date to a requested alternate date."

238 **SECTION 5.**

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