

Senate Bill 289

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

**AS PASSED SENATE**

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

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

11 **SECTION 1.**

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

16 "20-2-140.1.

17 Beginning with students entering ninth grade in the 2014-2015 school year, each student  
18 shall complete prior to graduation at least one course containing online learning. This  
19 requirement shall be met through an online course offered by the Georgia Virtual School  
20 established pursuant to Code Section 20-2-319.1, through an online dual enrollment course  
21 offered by a postsecondary institution, or through a provider approved pursuant to  
22 subsection (c) of Code Section 20-2-319.3. A student who is enrolled in a full-time or  
23 part-time virtual instruction program pursuant to Code Section 20-2-319.3 meets this  
24 requirement. The State Board of Education shall be authorized to provide for exemptions  
25 to the requirements of this Code section for students who are disabled and not able to  
26 participate in an online course."

27

**SECTION 2.**

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

31 "(a) The State Board of Education shall designate the specific dates upon which two counts  
32 of students enrolled in each instructional program authorized under this article shall be  
33 made each school year and by which the counts shall be reported to the Department of  
34 Education. The initial enrollment count shall be made after October 1 but prior to  
35 November 17 and the final enrollment count after March 1 but prior to May 1. The report  
36 shall indicate the student's specific assigned program for each one-sixth segment of the  
37 school day on the designated reporting date. No program shall be indicated for a student  
38 for any one-sixth segment of the school day that the student is assigned to a study hall; a  
39 noncredit course; a course recognized under this article or by state board policy as an  
40 enrichment course, except a driver education course; a course which requires participation  
41 in an extracurricular activity for which enrollment is on a competitive basis; a course in  
42 which the student serves as a student assistant to a teacher, in a school office, or in the  
43 media center, except when such placement is an approved work site of a recognized career  
44 or vocational program; an individual study course for which no outline of course objectives  
45 is prepared in writing prior to the beginning of the course; ~~a course taken through the~~  
46 ~~Georgia Virtual School pursuant to Code Section 20-2-319.1~~; or any other course or  
47 activity so designated by the state board. For the purpose of this Code section, the term  
48 'enrichment course' means a course which does not dedicate a major portion of the class  
49 time toward the development and enhancement of one or more student competencies as  
50 adopted by the state board under Code Section 20-2-140. A program shall not be indicated  
51 for a student for any one-sixth segment of the school day for which the student is not  
52 enrolled in an instructional program or has not attended a class or classes within the  
53 preceding ten days; nor shall a program be indicated for a student for any one-sixth  
54 segment of the school day for which the student is charged tuition or fees or is required to  
55 provide materials or equipment beyond those authorized pursuant to Code Section  
56 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section  
57 20-2-159.5 shall be counted for the high school program or other appropriate program for  
58 each segment in which the student is attending such dual credit course. The state board  
59 shall adopt such regulations and criteria as necessary to ensure objective and true counts  
60 of students in state approved instructional programs. The state board shall also establish  
61 criteria by which students shall be counted as resident or nonresident students, including  
62 specific circumstances which may include, but not be limited to, students attending another  
63 local school system under court order or under the terms of a contract between two local

64 school systems. If a local school system has a justifiable reason, it may seek authority from  
 65 the state board to shift full-time equivalent program counts from the designated date to a  
 66 requested alternate date."

67 **SECTION 3.**

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

70 "(h) The State Board of Education, through the Department of Education, shall administer  
 71 the end-of-course assessments for core subject areas as defined by state board policy. The  
 72 state board shall promulgate a schedule for the development and administration of all  
 73 end-of-course tests ~~by December 1, 2000. By the 2015-2016 school year, all end-of-course~~  
 74 assessments shall be administered online at the completion of the course; provided,  
 75 however, that the State Board of Education shall be authorized to waive the deadline  
 76 contained in this provision if a local school system is unable to meet such deadline."

77 **SECTION 4.**

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

80 "20-2-319.1.

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

96 (b)(1) The department is authorized to establish a Georgia Virtual School grant account  
 97 with funds appropriated by the General Assembly. ~~The amount of funds requested by the~~  
 98 ~~state board for this account shall be the amount that the participating students would have~~

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

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

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

#### 115 **SECTION 5.**

116 Said chapter is further amended in Part 14 of Article 6, relating to other educational programs  
 117 under the "Quality Basic Education Act," by adding new Code sections to read as follows:  
 118 "20-2-319.3.

119 (a) Beginning with the 2012-2013 school year, each local school system shall provide  
 120 opportunities to all students enrolled in public schools within its boundaries for  
 121 participation in part-time and full-time virtual instruction program options. Written notice  
 122 of such opportunities, including an open enrollment period for full-time students of at least  
 123 90 days and not ending earlier than 30 days prior to the first day of the school year, shall  
 124 be provided directly to parents of all students. The purpose of the program shall be to make  
 125 quality virtual instruction available to students using online and distance learning  
 126 technology in the nontraditional classroom. The program shall provide at least three options  
 127 for:

128 (1) Full-time virtual instruction for students enrolled in kindergarten through grade 12;  
 129 and

130 (2) Part-time virtual instruction for students enrolled in kindergarten through grade 12.  
 131 A virtual instruction program conducted by a local school system shall include specific  
 132 provision for at least two full-time options and one part-time option for students enrolled  
 133 in dropout prevention and academic intervention programs or Department of Juvenile  
 134 Justice education programs under Code Section 20-2-133.

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

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

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

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

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

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

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

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

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

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

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

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

- 171 (A) Information and data about each full-time and part-time program regarding its  
 172 curriculum;  
 173 (B) School policies and procedures;  
 174 (C) Certification status of all administrative and instructional personnel;  
 175 (D) Teacher-student ratios;  
 176 (E) Student completion and promotion rates; and  
 177 (F) Student, educator, and school performance accountability outcomes.
- 178 (d) An approved provider shall retain its approved status for a period of five years after the  
 179 date of the department's approval pursuant to subsection (c) of this Code section as long  
 180 as the provider continues to comply with all requirements of this Code section; provided,  
 181 however, that each provider approved by the department for the 2012-2013 school year  
 182 shall reapply for approval to provide a part-time program for students in kindergarten  
 183 through grade 12.
- 184 (e) Each contract with an approved provider shall at a minimum set forth a detailed  
 185 curriculum plan that illustrates how students will be provided services for, and be measured  
 186 for attainment of, proficiency in state curriculum requirements for each grade level and  
 187 subject.

188 20-2-319.4.

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

199 **SECTION 6.**

200 Said chapter is further amended by revising Code Section 20-2-1183, relating to possession  
 201 of electronic communication devices in school, as follows:

202 "20-2-1183.

203 The possession of an electronic communication device by a student in school shall be  
 204 permitted or prohibited as specifically prescribed by rule or policy set by the local board  
 205 of education. ~~If prohibited, the local board of education may provide for exceptions to such~~

206 ~~prohibition and for disciplinary actions for possession in violation of the prohibition. If~~  
207 ~~possession of an electronic communication device by a student in school is permitted, the~~  
208 ~~local board policy shall not permit, including~~ the use by a student of any personal  
209 electronic communication device during classroom instructional time."

210

**SECTION 7.**

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