

House Bill 1259

By: Representatives Dubnik of the 29th, Erwin of the 32nd, Hatchett of the 155th, and Jones of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to financing relative to the "Quality Basic Education Act," so as to
3 prohibit virtual instruction to out-of-system students if the local school system has a College
4 and Career Ready Performance Index below the state average; to require an agreement
5 between local school systems to allow for an out-of-system student to attend a virtual school;
6 to require out-of-system students to not be counted toward equalization funds received by
7 a local school system; to provide for an effective date; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
12 relating to financing relative to the "Quality Basic Education Act," is amended by revising
13 Code Section 20-2-167.2 as follows:

14 "20-2-167.2.

15 (a) As used in this Code section, the term:

16 (1) 'Out-of-system student' means a student who is enrolled in a local school system and
17 receives virtual instruction from a virtual school within the local school system, but who
18 resides in another local school system.

19 (2) 'Virtual instruction' means online instruction for grades kindergarten through 12.
20 Such term shall not include virtual instruction received through the Georgia Virtual
21 School established pursuant to Code Section 20-2-319.1 or the clearing-house established
22 pursuant to Code Section 20-2-319.3, or through a state charter school which provides
23 virtual instruction.

24 (3) 'Virtual school' means a school within a local school system which provides virtual
25 instruction.

26 (b) A local school system that provides virtual instruction through a virtual school whose
27 total student enrollment is composed of more than 5 percent out-of-system students shall:

28 (1) Ensure that 90 percent of funds earned pursuant to this article for out-of-system
29 students are expended for costs for virtual instruction for such out-of-system students and
30 shall return any excess funds to the state treasury which are not expended for such
31 purposes; ~~and~~

32 (2) Include in the virtual school and local school system's College and Career Ready
33 Performance Index data academic achievement results for out-of-system students;

34 (3) Require an agreement between the local school system of the virtual school and the
35 local school system wherein an out-of-system student resides that allows the
36 out-of-system student to attend the virtual school; and

37 (4) Not provide virtual instruction to out-of-system students in the current academic year
38 if the local school system providing such instruction has a College and Career Ready
39 Performance Index that is below the state average for the previous academic year and
40 shall not provide virtual instruction to out-of-system students in the current academic year
41 through a virtual school within the local school system that has a College and Career
42 Ready Performance Index below the state average for the previous academic year.

43 (c) An out-of-system student enrolled in a virtual school shall not be included in the total
44 enrollment amount for purposes of calculating qualification for equalization funds received
45 by the local school system of the virtual school in which the student is enrolled.

46 ~~(c)~~(d) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82
47 for a strategic waivers school system, Code Section 20-2-2063.2 for a charter system, Code
48 Section 20-2-2065 for a charter school, or Code Section 20-2-244."

49 **SECTION 2.**

50 This Act shall become effective on July 1, 2026.

51 **SECTION 3.**

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