

House Bill 959

By: Representatives Beskin of the 54th, Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to update and clarify certain provisions relating to K-12 education; to revise a provision relating to conflicts of interest of local board of education members; to provide that students who earn certain grades in dual enrollment courses in core subjects are exempt from taking end-of-course assessments for such courses; to authorize the sharing of data for certain program evaluation purposes; to provide for an annual review of tuition for the Georgia Virtual School; to eliminate a restriction on the Office of Student Achievement's authority to establish a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amending in Code Section 20-2-63, relating to prohibiting certain conflicts of interest of board members, by revising paragraph (6) of subsection (a) as follows:

- "(6) No local board of education member shall be prohibited from:
- (A) ~~Making~~ making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local board of education member or his or her immediate family member in return therefor;
 - (B) Discussing any nonconfidential matters with a constituent;
 - (C) Attending or conducting a town hall meeting; or
 - (D) Discussing any nonconfidential matter with representatives of the media."

SECTION 2.

Said title is further amended in Code Section 20-2-149.2, relating to awarding of high school diploma for completion of postsecondary programs, by revising subsection (a) as follows:

"(a) A local board of education may award a high school diploma to a student enrolled in coursework pursuant to Code Section ~~20-2-159.5~~ 20-2-161.3 who:

(1) Completes rigorous coursework at a postsecondary institution which meets the requirements in paragraph (7) of Code Section 20-3-519;

(2) Has completed at least the following state required ~~ninth and tenth grade level~~ high school courses: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state required tests associated with any such courses unless exempt pursuant to paragraph (2) of subsection (f) of Code Section 20-2-281;

(3) Receives a score of admission acceptable on the readiness assessment required by the postsecondary institution; and

(4) Completes: (i) an associate degree program; (ii) a technical college diploma program and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field; or (iii) at least two technical college certificate of credit programs in one specific career pathway and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field as determined by the Technical College System of Georgia."

SECTION 3.

Said title is further amended in Code Section 20-2-161.3, relating to the "Move on When Ready Act," by revising paragraph (3) of subsection (f) as follows:

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

(A) At least the following state required ~~ninth and tenth grade level~~ high school courses or their equivalent: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state

required tests associated with any such courses unless exempt pursuant to paragraph (2) of subsection (f) of Code Section 20-2-281; and

(B) One of the following:

(i) An associate degree program;

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

(iii) At least two technical college certificate of credit programs in one specific career pathway and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field as determined by the Technical College System of Georgia."

SECTION 4.

Said title is further amended by revising paragraph (3) of subsection (e) of Code Section 20-2-210, relating to annual performance evaluations, as follows:

"(3) The department may by agreement share individual data with the Office of Student Achievement for inclusion in the state-wide comprehensive educational information system created pursuant to Code Section 20-2-320 for the purposes of evaluating educational programs and of improving postsecondary educator preparation so long as the office agrees that it will not disclose personally identifiable information about any public school employee."

SECTION 5.

Said title is further amended by revising subsections (f) and (j) of Code Section 20-2-281, relating to student assessments, as follows:

"(f)(1) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, each such student's Individualized Education Program team shall identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(2) Students who earn a grade of A or B in a dual credit course pursuant to Code Section 20-2-149.2 or 20-2-161.3 in a core subject for which an end-of-course assessment is required pursuant to paragraph (1) of this subsection shall be exempt from taking the end-of-course assessment for such core subject course."

"(j) The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given; provided, however, that this shall not apply to students who earn a grade of A or B in a dual credit course pursuant to Code Section 20-2-149.2 or 20-2-161.3 in a core subject for which an end-of-course assessment is required pursuant to subsection (f) of this Code section."

SECTION 6.

Said title is further amended by revising subsection (b) of Code Section 20-2-319.1, relating to the Georgia Virtual School, as follows:

"(b)(1) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. The department shall use funds from such grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs associated with the maintenance of the Georgia Virtual School, such as new course development, credit recovery, blended learning training, and operating a clearing-house, and costs for tuition, materials, and fees for courses taken through the Georgia Virtual School by students in home study programs or private schools in this state.

(2) The local school system shall pay to the department costs for tuition, materials, and fees directly related to the approved course taken by a student in its school system through the Georgia Virtual School; provided, however, that in no event shall the amount of tuition charged to and paid by the local school system on behalf of such student exceed \$250.00 per student per semester course; and provided, further, that if a student participates in courses through the Georgia Virtual School that are in excess of the maximum number of courses a student may be enrolled in during a school day, such student shall be subject to the cost of tuition not to exceed \$250.00 per student per semester course.

(3) Students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School at no cost, if appropriations are provided for such purpose in accordance with paragraph (1) of this subsection. If appropriations are not provided or if appropriations are provided but have been expended for such purpose, students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School based on availability of slots; provided, however, that such students shall be subject to the cost of tuition not to exceed \$250.00 per student per semester course.

(4) The department shall annually review the tuition received by the Georgia Virtual School in the previous academic year and adjust tuition downward if possible."

SECTION 7.

Said title is further amended by revising subsection (b) of Code Section 20-14-26.1, relating to authority of the Office of Student Achievement to incorporate a nonprofit corporation as a public foundation, as follows:

"(b) Any nonprofit corporation created pursuant to this Code section shall be subject to the following provisions:

(1) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by any such nonprofit corporation;

(2) Upon dissolution of any such nonprofit corporation incorporated by the office, any assets shall revert to the office or to any successor to the office or, failing such succession, to the State of Georgia;

(3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to any such nonprofit corporation from private sources shall be used for direct employee costs of the office;

(4) Any such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(5) The office shall not be liable for the action or omission to act of any such nonprofit corporation; and

(6) No debts, bonds, notes, or other obligations incurred by any such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of any such nonprofit corporation constitute or result in the creation of an indebtedness of the state. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state; ~~and~~

~~(7) Any nonprofit corporation created pursuant to this Code section shall not acquire or hold a fee simple interest in real property by any method, including but not limited to gift, purchase, condemnation, devise, court order, and exchange."~~

SECTION 8.

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