

The Senate Committee on Higher Education offered the following substitute to SB 204:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 vocational, technical, and adult education, so as to provide for the State Board of the  
3 Technical College System of Georgia to award high school diplomas; to provide for a pilot  
4 program by the State Board of the Technical College System of Georgia which allows  
5 students who are 16 years of age or older, who have completed certain coursework  
6 requirements, and who have withdrawn from such secondary school, to enroll in the Dual  
7 Achieve Program at a technical college of this state and achieve a high school diploma in  
8 conjunction with successful completion of the program; to provide for the purposes of the  
9 pilot program; to provide for requirements for student eligibility to participate in and  
10 complete the program; to provide for waivers and variances; to provide for definitions; to  
11 provide for rules and regulations; to provide for a repealer; to amend Chapter 2 of Title 20  
12 of the Official Code of Georgia Annotated, relating to elementary and secondary education,  
13 so as to provide for notice requirements for students under age 18 before withdrawing from  
14 a public secondary school in this state; to provide for related matters; to repeal conflicting  
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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18

**PART I.**  
**SECTION 1-1.**

19 Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to vocational,  
20 technical, and adult education, is amended in Code Section 20-4-11, relating to powers of the  
21 board, by revising paragraphs (1), (2), and (10) and inserting a new paragraph to read as  
22 follows:

23 "20-4-11.

24 The State Board of the Technical College System of Georgia shall be empowered to:

25 (1) Provide for a comprehensive program of literacy, career, occupational, and technical  
26 education for adults and out-of-school youths. Such program shall promote the economic  
27 well-being of Georgia citizens by providing high quality postsecondary technical and  
28 adult education and literacy programs, services, and activities which are easily accessible  
29 by all segments of the adult population who need and can benefit from training,  
30 retraining, or upgrade training for employment and which is highly responsive to  
31 individuals needing to achieve basic, general, and specialized literacy. Such program  
32 shall also provide an opportunity for individuals, including out-of-school youths, who  
33 have reached age 16 and who meet certain criteria provided for in this chapter, to attain  
34 a high school diploma in conjunction with the completion of one or more other  
35 components of the postsecondary technical program. Such program shall also provide  
36 a system of schools which is a full partner in the economic development and expansion  
37 of the state's economic base and represents a significant asset in the attraction of new  
38 business and industry to the state and the expansion of existing business and industry in  
39 the state;

40 (2) Establish and promulgate standards, rules, regulations, and policies for the orderly  
41 and efficient operation of the Technical College System of Georgia and of postsecondary  
42 technical schools, programs, and institutions, including those which it operates and those

43 operated by local and area boards of education, and for the orderly and efficient provision  
44 of adult ~~literacy~~ education and literacy programs:

45 (A) Such standards, rules, regulations, and policies may include but not be limited to  
46 developing criteria for the recruitment, employment and retention of faculty and staff;  
47 recruitment of students and student admissions; program approval, salaries and salary  
48 supplements, tuition, and fees; eligibility of public and private providers of adult  
49 literacy education programs for state and federal funds, levels of funding for such  
50 providers and associated levels of required provider matching funds; long and  
51 short-term planning to include facilities, program standards, and outcome  
52 competencies; establishing provisions for appropriate recognition of program  
53 achievement below the baccalaureate level; soliciting resources from the private sector;  
54 industry and education partnerships; research and data collection; representing  
55 postsecondary technical and adult literacy education in all forums; and such other  
56 functions necessary to assure an effective and efficient state-wide system of  
57 postsecondary technical schools and adult literacy education with leadership at the state  
58 level; and

59 (B) For adult education and literacy programs, the state board shall establish:

60 (i) Comprehensive and detailed standards ~~One set of standards for public and private~~  
61 ~~adult education and literacy providers and another set of standards for private adult~~  
62 ~~education and literacy providers. The public standards shall be more comprehensive~~  
63 ~~and detailed than the private standards; and~~

64 (ii) Standards and requirements for the attainment of a high school equivalency  
65 certificate which shall be comparable to the high school graduation requirements set  
66 by the State Board of Education for public school programs and which shall also be  
67 at least equal to the requirements established for a general educational development  
68 (GED) diploma. ~~The State Board of the Technical College System of Georgia~~ state

69 board shall also adopt and administer an instrument to measure the level of  
70 achievement required to obtain a high school equivalency certificate; and  
71 (iii) Standards and requirements for the attainment of a high school diploma  
72 conferred by the state board which shall be comparable to the high school graduation  
73 requirements set by the State Board of Education for public school programs;”  
74 ”(10)(A) Approve a request by a postsecondary technical school or institution governed  
75 under this chapter to be named a technical college upon the approval and granting of  
76 occupational degree-granting status by the State Board of the Technical College System  
77 of Georgia and upon receiving accreditation by the Commission on Colleges of the  
78 Southern Association of Schools, the Council on Occupational Education, or any other  
79 appropriate accrediting agency approved by the United States Secretary of Education.  
80 The use of the name technical college shall not alter the governance of the technical  
81 school or institution as established under this chapter nor shall it abridge the authority  
82 of the Board of Regents of the University System of Georgia under the Constitution of  
83 this state; and  
84 (B) Award high school diplomas as provided for in this chapter; and”

85 **SECTION 1-2.**

86 Said chapter is further amended by revising Code Section 20-4-18, relating to management  
87 and control of adult literacy and postsecondary technical education programs and schools,  
88 as follows:

89 “20-4-18.

90 Subject to the provisions of Code Section 20-4-20, any other Code section of this article  
91 to the contrary notwithstanding, all decisions regarding the delivery of adult literacy and  
92 postsecondary technical education programs and services to business, industry, and  
93 individuals who are 16 years of age or older and who have completed or left the public  
94 schools, to include the awarding of high school equivalency certificates and diplomas, shall

95 be made by the Technical College System of Georgia. Commensurate with this authority,  
96 the system shall exercise state level management and operational control over adult literacy  
97 education programs, postsecondary technical schools, and adult vocational centers."

98 **SECTION 1-3.**

99 Said chapter is further amended by adding a new article to read as follows:

100 "ARTICLE 6

101 20-4-140.

102 (a) As used in this article, the term:

103 (1) 'Dual Achievement Program' or 'program' means the program provided for in this  
104 article.

105 (2) 'Eligible student' means a student who meets the qualifications to participate in the  
106 program.

107 (3) 'State board' means the State Board of the Technical College System of Georgia.

108 (4) 'Technical college system' means the Technical College System of Georgia.

109 20-4-141.

110 (a)(1) The state board shall, in coordination with the State Board of Education,  
111 Department of Education, the Department of Juvenile Justice, the Department of  
112 Corrections, and the Office of Planning and Budget, establish a pilot program to allow  
113 students who meet eligibility requirements to qualify for enrollment in the Dual  
114 Achievement Program at a participating unit of the technical college system and, upon  
115 successful completion of the program, be awarded a high school diploma. The purpose  
116 of the pilot program is to assess the feasibility of implementing a state-funded program  
117 for eligible students who have withdrawn from high school to enroll in a unit of the

118 technical college system to participate in an academic and technical education and  
119 training program which, upon successful completion, allows the student to earn a high  
120 school diploma while also earning a technical college associate degree, a technical  
121 college diploma, or technical college certificates of credit in specific career pathways.

122 (2) To implement the pilot program, notwithstanding any other provision of law to the  
123 contrary, the State Board of the Technical College System of Georgia and the State Board  
124 of Education shall be authorized to waive or provide variances to state rules, regulations,  
125 policies, and procedures and to provisions of this title that may be reasonably necessary  
126 to meet the goals of the pilot program. Such waivers or variances shall automatically  
127 expire at the end of five years unless an earlier expiration is provided for. The State  
128 Board of the Technical College System of Georgia and the State Board of Education shall  
129 be authorized to seek waivers or variances of federal laws, rules, regulations, policies,  
130 and procedures that may be reasonably necessary to meet the goals of the pilot program.

131 (3) The pilot program, as determined by the state board, may include up to five units of  
132 the technical college system for a period of five years. In an effort to pilot the program  
133 under various conditions present in the state, the state board shall seek to include in the  
134 pilot program units of the technical college system from various geographic areas in the  
135 state.

136 (4) The state board shall review the results of the pilot program and shall no later than  
137 February 1 each year during the program provide the General Assembly with a  
138 comprehensive report on the program with any recommendations for its continued use  
139 and any needed changes in the program. Such report shall include a comprehensive list  
140 any such waivers or variances requested as provided for in paragraph (2) of this  
141 subsection, a statement of necessity for each request, and whether each request was  
142 granted in whole or in part.

143 (b) The pilot program established by the state board pursuant to this article shall provide  
144 for the award of a high school diploma to students who successfully complete the program.

145 (c) The state board shall determine the specific competencies concerning the skills and  
146 knowledge needed for completion of each component of the program; provided, however,  
147 that the state board shall make such determination regarding the skills and knowledge  
148 needed to meet the requirements for a high school diploma as provided for in this program  
149 in consultation with the State Board of Education and the Department of Education.

150 (d) In order to minimize the risk of prospective students prematurely withdrawing from  
151 a secondary school in order to participate in the program, the state board shall provide for  
152 preliminary review of academic records, including, but not limited to official secondary  
153 school transcripts, submitted by prospective students to determine whether such students  
154 meet the requirements provided for in paragraphs (1) and (2) of subsection (e) of this Code  
155 Section. If a prospective student meets such requirements, the student shall be so notified  
156 and allowed to complete a readiness assessment required by the technical college system.  
157 Students who meet the requirements provided for in paragraphs (1) and (2) of subsection  
158 (e) of this Code Section and attain a score of admission acceptable on the readiness  
159 assessment shall be notified that they are eligible to participate in the program, subject to  
160 meeting the requirements provided for in paragraphs (4) and (5) of subsection (e) of this  
161 Code Section.

162 (f) To be eligible to participate in the program, a student shall:

163 (1) Be 16 years of age or older;

164 (2) Have completed at least six of the nine following state required ninth and tenth grade  
165 level high school courses: two English courses, two mathematics courses, two science  
166 courses, two social studies courses, and one health and physical education course; and  
167 any state required tests associated with any such courses;

168 (3) Receive a score of admission acceptable on the readiness assessment required by the  
169 technical college system;

170 (4) Provide the following:

171 (A) If an unemancipated minor:

172 (i) Verification that the student's parent or legal guardian attended a conference with  
173 the student's high school principal or the principal's designee as provided for in  
174 subsection (e) of Code Section 20-2-690.1;

175 (ii) A copy of the form provided for in subsection (e) of Code Section 20-2-690.1  
176 signed by the student's parent or legal guardian;

177 (iii) Written acknowledgment by the student's parent or guardian that withdrawal of  
178 the student from secondary school may result in loss of eligibility for  
179 accommodations, specialized instruction, and other services pursuant to the federal  
180 Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and  
181 Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et  
182 seq.; and

183 (iv) Written acknowledgment that the high school diploma available through the Dual  
184 Achievement Program requires successful completion of the program; or

185 (B) If an emancipated minor or a student who is 18, 19, or 20 years of age:

186 (i) Written acknowledgment that the student has conferred with his or her secondary  
187 school principal or the principal's designee or a qualified designated official of the  
188 technical college system and discussed alternatives to withdrawing from high school  
189 without completing graduation requirements and potential consequences of not having  
190 a high school diploma, including lower lifetime earnings, fewer jobs for which the  
191 student will be qualified, and the inability to avail oneself of higher educational  
192 opportunities.

193 (ii) Written acknowledgment by the student's parent or guardian that withdrawal of  
194 the student from secondary school may result in loss of eligibility for  
195 accommodations, specialized instruction, and other services pursuant to the federal  
196 Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and  
197 Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et  
198 seq.; and



199 (iii) Written acknowledgment that the high school diploma available through the  
200 Dual Achievement Program requires successful completion of the program; and  
201 (5) Be withdrawn from a public secondary school of this state.  
202 (g) The state board shall award a high school diploma to a student enrolled in the program  
203 provided for in this article who:  
204 (1) Completes all student counseling and assessment requirements of the program;  
205 (2) Completes rigorous coursework at a participating unit of the technical college  
206 system; and  
207 (3) Completes:  
208 (A) A technical college associate degree program;  
209 (B) A technical college diploma program; or  
210 (C) At least two technical college certificate of credit programs in one specific career  
211 pathway.  
212 (h) A student who meets the requirements of subsections (f) of this Code section shall be  
213 deemed to have met all graduation requirements of the State Board of Education and shall  
214 not be subject to any assessments otherwise required for purposes of graduation.  
215 (i) The state board, in consultation with the State Board of Education, Department of  
216 Education, the Department of Juvenile Justice, the Department of Corrections, and the  
217 Office of Planning and Budget, shall establish rules and regulations to implement the  
218 provisions of this article.  
  
219 20-4-142.  
220 This article shall stand repealed on July 1 of the year following the conclusion of the pilot  
221 program."

222 **PART II.**  
223 **SECTION 2-1.**

224 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
225 secondary education, is amended in Code Section 20-2-690.1, relating to mandatory  
226 education for children between ages six and sixteen, by revising subsection (e) as follows:  
227 "(e) An unemancipated minor who is older than the age of mandatory attendance as  
228 required in subsection (a) of this Code section who has not completed all requirements for  
229 a high school diploma who wishes to withdraw from school shall have the written  
230 permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting  
231 such permission, the school principal or designee shall convene a conference with the child  
232 and parent or legal guardian within two school days of receiving notice of the intent of the  
233 child to withdraw from school. The principal or designee shall make a reasonable attempt  
234 to share with the student and parent or guardian the educational options available, including  
235 the opportunity to pursue a general educational development (GED) diploma and the  
236 consequences of not having earned a high school diploma, including lower lifetime  
237 earnings, fewer jobs for which the student will be qualified, and the inability to avail  
238 oneself of higher educational opportunities. Every local board of education shall adopt a  
239 policy on the process of voluntary withdrawal of unemancipated minors who are older than  
240 the mandatory attendance age. The policy shall be filed with the Department of Education  
241 no later than January 1, 2007. The Department of Education shall provide annually to all  
242 local school superintendents model forms for the parent or guardian signature requirement  
243 contained in this subsection and updated information from reliable sources relating to the  
244 consequences of withdrawing from school without completing all requirements for a high  
245 school diploma. Such form shall include information relating to the opportunity to pursue  
246 a general educational development (GED) diploma and the consequences of not having  
247 earned a high school diploma, including lower lifetime earnings, fewer jobs for which the

248 student will be qualified, and the inability to avail oneself of higher educational  
249 opportunities. Such form shall also include information regarding potential loss of  
250 eligibility for accommodations, specialized instruction, and other services pursuant to the  
251 federal Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and  
252 Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq.  
253 Each local school superintendent shall provide such forms and information to all of its  
254 principals of schools serving grades six through twelve for the principals to use during the  
255 required conference with the child and parent or legal guardian."

256

**PART III.**

257

**SECTION 3-1.**

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