

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

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

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

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

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

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

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

88 (3) A participating eligible high school shall be required ~~The State Board of Education~~  
 89 ~~shall establish rules to require local school systems to award a high school diploma to any~~  
 90 eligible high school student who is enrolled at or through an eligible postsecondary  
 91 institution under the program as long as the credit earned at or through such  
 92 postsecondary institution satisfies course requirements needed for the eligible high school  
 93 student to complete high school graduation. No later than July 1, 2015, the Department  
 94 of Education shall specify the subject area requirements or elective courses that may be  
 95 satisfied with dual credit courses provided by eligible postsecondary institutions, which  
 96 shall include completion of (i) an associate degree program; (ii) a technical college  
 97 diploma program and all postsecondary academic education and technical education and  
 98 training prerequisites for any state, national, or industry occupational certifications or

99 licenses required to work in the field; or (iii) at least two technical college certificate of  
 100 credit programs in one specific career pathway and all postsecondary academic education  
 101 and technical education and training prerequisites for any state, national, or industry  
 102 occupational certifications or licenses required to work in the field as determined by the  
 103 Technical College System of Georgia. ~~The department shall consult the Board of~~  
 104 ~~Regents of the University System of Georgia and the State Board of the Technical~~  
 105 ~~College System of Georgia in developing rules and regulations to be recommended to the~~  
 106 ~~State Board of Education for approval regarding the eligibility criteria for program~~  
 107 ~~participation.~~

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

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

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

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

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

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

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

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

134 ~~(h)(g)~~ Hours for dual credit courses taken at or through an eligible postsecondary  
 135 institution pursuant to this Code section by a participating an eligible high school student

136 shall not count against any maximum hourly caps which may be applicable for purposes  
137 of HOPE scholarships or grants.

138 (i)(h) The commission is authorized to promulgate rules and regulations not inconsistent  
139 with the provisions of this Code section relating to the program described in this Code  
140 section.

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

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

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

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

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

163 (k) The funding provided to the commission for the program shall be subject to annual  
164 appropriations enacted by the General Assembly beginning in Fiscal Year 2016. The  
165 commission shall set criteria for funding for tuition, noncourse related fees, course books,  
166 and transportation. The amount of such funds to be paid shall be determined by the  
167 commission. The commission shall create a grant program, subject to the availability of  
168 funds, pursuant to which participating public eligible high schools may apply for  
169 transportation grants. Such grants shall be awarded based on criteria, terms, and conditions  
170 determined by the commission in consultation with the department.

171 (l) In the event the funds made available to the commission are not sufficient to enable the  
172 commission to meet all funding requirements of the program, the amount paid to eligible

173 postsecondary institutions shall be reduced by the commission. Under no circumstances  
 174 shall the eligible postsecondary institutions require an eligible high school student  
 175 participating in the program to pay for tuition, noncourse related fees, or course books.  
 176 (m) Students enrolled in a work based learning program under Code Section 20-2-161.2  
 177 may be eligible to earn dual credit upon completing a planned training experience under  
 178 guidelines developed by the Department of Education and the Technical College System  
 179 of Georgia provided students meet postsecondary readiness established in reading and  
 180 writing and mathematics for the particular advanced training program or associate's  
 181 degree."

182 **SECTION 2.**

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

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

188 **SECTION 3.**

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

191 **SECTION 4.**

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

195 "(a) The State Board of Education shall designate the specific dates upon which two counts  
 196 of students enrolled in each instructional program authorized under this article shall be  
 197 made each school year and by which the counts shall be reported to the Department of  
 198 Education. The initial enrollment count shall be made after October 1 but prior to  
 199 November 17 and the final enrollment count after March 1 but prior to May 1. The report  
 200 shall indicate the student's specific assigned program for each one-sixth segment of the  
 201 school day on the designated reporting date. No program shall be indicated for a student  
 202 for any one-sixth segment of the school day that the student is assigned to a study hall; a  
 203 noncredit course; a course recognized under this article or by state board policy as an  
 204 enrichment course, except a driver education course; a course which requires participation  
 205 in an extracurricular activity for which enrollment is on a competitive basis; a course in  
 206 which the student serves as a student assistant to a teacher, in a school office, or in the

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

230 **SECTION 5.**

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