

The House Committee on Education offers the following substitute to HB 908:

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 provide that certain individuals who are 20  
3 years old or older may be eligible to enroll in a local charter school or state charter school  
4 under certain conditions; to provide for an exception to the maximum age of eligibility  
5 enrollment; to provide for funding for such charter schools that serve over-age students; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
10 secondary education, is amended by revising Code Section 20-2-150, relating to eligibility  
11 for enrollment, as follows:

12 "20-2-150.

13 (a) Except as otherwise provided by subsection (b) of this Code section, all children and  
14 youth who have attained the age of five years by September 1 shall be eligible for  
15 enrollment in the appropriate general education programs authorized in this part unless they  
16 attain the age of 20 by September 1, except as otherwise provided by subsection (b.1) of  
17 this Code section, or they have received high school diplomas or the equivalent. This shall  
18 specifically include students who have reenrolled after dropping out and who are married,  
19 parents, or pregnant. Special education students shall also be eligible for enrollment in  
20 appropriate education programs through age 21 or until they receive high school or special  
21 education diplomas or the equivalent; provided, however, that they were enrolled during  
22 the preceding school year and had an approved Individualized Education Program (IEP)  
23 which indicated that a successive year of enrollment was needed. Other students who have  
24 not yet attained age 21 by September 1 or received high school diplomas or the equivalent  
25 shall be eligible for enrollment in appropriate education programs, provided that they have  
26 not dropped out of school for one quarter or more. Each local unit of administration shall

27 have the authority to assign students who are married, parents, or pregnant or who have  
28 reenrolled after dropping out one quarter or more to programs of instruction within its  
29 regular daytime educational program, provided that a local unit of administration may  
30 develop and implement special programs of instruction limited to such students within the  
31 regular daytime educational program or, at the option of the student, in an alternative  
32 program beyond the regular daytime program; provided, further, that such programs of  
33 instruction are designed to enable such students to earn course credit toward receiving high  
34 school diplomas. These programs may include instruction in prenatal care and child care.  
35 Each local unit of administration shall have the authority to provide alternative programs  
36 beyond the regular daytime educational program. Unless otherwise provided by law, the  
37 State Board of Education shall have the authority to determine the eligibility of students  
38 for enrollment. It is declared to be the policy of this state that general and occupational  
39 education be integrated into a comprehensive educational program which will contribute  
40 to the total development of the individual.

41 (b) A child who was a legal resident of one or more other states or countries for a period  
42 of two years immediately prior to moving to this state and who was legally enrolled in a  
43 public kindergarten or first grade, or a kindergarten or first grade accredited by a state or  
44 regional association or the equivalent thereof, shall be eligible for enrollment in the  
45 appropriate general or special education programs authorized in this part if such child will  
46 attain the age of five for kindergarten or six for first grade by December 31 and is  
47 otherwise qualified.

48 (b.1) An over-age student, as defined in Code Section 20-2-2062, who meets any other  
49 eligibility criteria shall be eligible for enrollment in a local charter school established  
50 pursuant to Article 31 of this chapter or a state charter school established pursuant to  
51 Article 31A of this chapter that serves over-age students until he or she attains a high  
52 school diploma or a general educational development (GED) diploma or no longer resides  
53 in this state.

54 (c) All children enrolled for 20 school days or more in the public schools of this state prior  
55 to their seventh birthday shall become subject to all of the provisions of this article, the  
56 provisions of Code Sections 20-2-690 through 20-2-701, and the rules and regulations of  
57 the State Board of Education relating to compulsory school attendance even though they  
58 have not attained seven years of age.

59 (d) No child or youth shall be admitted to any public school of the state until the parent or  
60 guardian provides to the proper school authorities an official copy of that child's social  
61 security number which shall be incorporated into the official school records pertaining to  
62 that child or youth. Each local unit of administration shall establish and implement a plan  
63 for providing the public appropriate notice of the information required of every student

64 under its jurisdiction prior to the beginning of each school year. School authorities may  
 65 provisionally admit a child for whom an official social security number has not been  
 66 provided if the parent or guardian completes a postage-paid application for a social security  
 67 number at the time of enrollment. A parent or guardian who objects to the incorporation  
 68 of the social security number into the school records of a child may have the requirement  
 69 waived by signing a statement objecting to the requirement."

70 **SECTION 2.**

71 Said chapter is further amended in Code Section 20-2-2062, relating to definitions relative  
 72 to charter schools, by adding a new paragraph to read as follows:

73 "(10.1) 'Over-age student' means an individual residing in this state who is 20 years old  
 74 or older and who has not attained a high school diploma or general educational  
 75 development (GED) diploma."

76 **SECTION 3.**

77 Said chapter is further amended in Code Section 20-2-2065, relating to waiver of provisions  
 78 of this title, by revising paragraph (8) of subsection (b) as follows:

79 "(8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such  
 80 provisions shall apply with respect to charter schools whose charters are granted or  
 81 renewed on or after July 1, 2000; provided, however, that this provision may be waived  
 82 with respect to over-age students, if appropriate, at the discretion of the State Board of  
 83 Education;"

84 **SECTION 4.**

85 Said chapter is further amended in paragraph (1) of subsection (a) of Code Section  
 86 20-2-2066, relating to admission, enrollment, and withdrawal of students, by replacing  
 87 "; and" at the end of division (a)(1)(B)(v) with a period and by adding a new subparagraph  
 88 to read as follows:

89 "(C) Notwithstanding the provisions of this paragraph, a local charter school may enroll  
 90 over-age students and provide enrollment requirements and enrollment preferences  
 91 appropriate to such special population; and"

92 **SECTION 5.**

93 Said chapter is further amended in Code Section 20-2-2068.1, relating to charter school  
 94 funding, by adding a new subsection to read as follows:

95 "(i) This Code section shall not apply to funding for over-age students attending a local  
 96 charter school."

97 **SECTION 6.**

98 Said chapter is further amended by adding a new Code section to read as follows:

99 "20-2-2068.3.

100 The State Board of Education shall annually determine the amount of funds needed for the  
 101 education of over-age students attending a local charter school. Such funds appropriated  
 102 by the General Assembly shall be made available for such schools under rules and  
 103 regulations prescribed by the State Board of Education."

104 **SECTION 7.**105 Said chapter is further amended in Code Section 20-2-2084, relating to petitions for charter  
106 schools under the State Charter Schools Commission, by revising subsection (b) as follows:107 "(b) The commission shall be authorized to approve a petition for a state charter school that  
108 meets the following requirements:

109 (1) Has a state-wide attendance zone; or

110 (2)(A) Has a defined attendance zone; and

111 (B) Demonstrates that it has special characteristics, such as a special population,  
 112 including over-age students, a special curriculum, or some other feature or features  
 113 which enhance educational opportunities, which may include the demonstration of a  
 114 need to enroll students across multiple communities or an alternative delivery system;  
 115 provided, however, that the petitioner shall demonstrate a reasonable justification for  
 116 any proposed special curriculum that has a narrow or limited focus."

117 **SECTION 8.**118 Said chapter is further amended in Code Section 20-2-2089, relating to funding for state  
119 charter schools, by adding a new subsection to read as follows:120 "(f) This Code section shall not apply to funding for over-age students attending a state  
121 charter school."122 **SECTION 9.**123 Said chapter is further amended in Article 31A, relating to state charter schools, by adding  
124 a new Code section to read as follows:125 "20-2-2089.1.

126 The State Board of Education shall annually determine the amount of funds needed for the  
 127 education of over-age students attending a state charter school. Such funds appropriated  
 128 by the General Assembly shall be made available for such schools under rules and  
 129 regulations prescribed by the State Board of Education."

130

**SECTION 10.**

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