

House Bill 959 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 update and clarify certain provisions relating to K-12 education; to revise a provision relating  
3 to conflicts of interest of local board of education members; to expand provisions relating to  
4 awarding of high school diplomas based on certain dual credit coursework; to provide that  
5 students who earn high school diplomas based on postsecondary coursework meet the rigor  
6 requirements for HOPE scholarships; to provide that students who earn certain grades in dual  
7 enrollment courses in core subjects are exempt from taking end-of-course assessments for  
8 such courses; to authorize the sharing of data for certain program evaluation purposes; to  
9 provide for unique identifiers for students of military personnel; to provide for college and  
10 career academies as charter schools or as schools within a strategic waivers school system  
11 or charter system; to revise a provision relating to the Office of Student Achievement's  
12 authority to establish a nonprofit corporation; to provide for related matters; to repeal  
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

19 "(6) No local board of education member shall be prohibited from:

20 (A) Making making an inquiry for information on behalf of a constituent if no fee,  
21 reward, or other thing of value is promised to, given to, or accepted by the local board  
22 of education member or his or her immediate family member in return therefor;

23 (B) Discussing any nonconfidential matters with a constituent;

24 (C) Attending or conducting a town hall meeting; or

25 (D) Discussing any nonconfidential matter with representatives of the media."

26 **SECTION 2.**

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

29 "20-2-149.2.

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

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

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

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

41 (4) Completes: (i) an associate degree program; (ii) a technical college diploma program  
42 and all postsecondary academic education and technical education and training  
43 prerequisites for any state, national, or industry occupational certifications or licenses  
44 required to work in the field; or (iii) at least two technical college certificate of credit  
45 programs in one specific career pathway and all postsecondary academic education and  
46 technical education and training prerequisites for any state, national, or industry  
47 occupational certifications or licenses required to work in the field as determined by the  
48 Technical College System of Georgia or for any industry and job related skills requisite  
49 for a work force need identified by the State Board of the Technical College System of  
50 Georgia pursuant to paragraph (2) of subsection (b) of this Code section.

51 (b)(1) The State Board of the Technical College System of Georgia shall annually  
52 identify fields of study in which a critical need or shortage of trained personnel exists in  
53 the labor markets in this state and provide such information to the State Board of  
54 Education. The State Board of Education shall annually provide such information to  
55 local school systems for the purpose of emphasizing areas of critical ~~workforce~~ work  
56 force needs and shortages in the labor markets in our state to high school students to  
57 support their career pathway decisions.

58 (2) The State Board of the Technical College System of Georgia shall consult with  
59 Georgia industry associations, the Georgia Department of Labor, and other state  
60 recognized strategic work force industries and initiatives to determine the technical  
61 college certificate of credit programs that meet the requirements enumerated in division  
62 (iii) of paragraph (4) of subsection (a) of this Code section for industry and job related

63 skills requisite for a work force need and ensure that such programs are instructionally  
 64 rigorous, operate in accordance with industry standards, and provide quality training.

65 (c) The State Board of Education, in consultation with the State Board of the Technical  
 66 College System of Georgia and the Board of Regents of the University System of Georgia,  
 67 shall establish rules and regulations to implement the provisions of this Code section.

68 (d) A student who meets the requirements of subsection (a) of this Code section shall be  
 69 deemed to have met all graduation requirements of the State Board of Education and shall  
 70 not be subject to any assessments otherwise required for purposes of graduation."

71 **SECTION 3.**

72 Said title is further amended in Code Section 20-2-157, relating to the uniform reporting  
 73 system for certain purposes and academic eligibility requirements to receive a HOPE  
 74 scholarship, by adding a new subsection to read as follows:

75 "(h) A student who receives a diploma pursuant to Code Section 20-2-149.2 shall be  
 76 deemed to have met all rigor requirements contained in subsection (e) or (f) of this Code  
 77 section."

78 **SECTION 4.**

79 Said title is further amended by revising subsection (e) of Code Section 20-2-161.2, relating  
 80 to work based learning programs, as follows:

81 "(e) A college and career academy established in accordance with Code Section 20-4-37  
 82 which participates in work based learning programs pursuant to this Code section ~~and its~~  
 83 ~~charter~~ shall be eligible for any funding or assistance available for the implementation of  
 84 this Code section."

85 **SECTION 5.**

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

88 "(3) A participating eligible high school shall be required to award a high school diploma  
 89 to any eligible high school student who is enrolled at or through an eligible postsecondary  
 90 institution under the program as long as the credit earned at or through such  
 91 postsecondary institution satisfies course requirements needed for the eligible high school  
 92 student to complete high school graduation. The State Board of Education, in  
 93 consultation with the State Board of the Technical College System of Georgia and the  
 94 Board of Regents of the University System of Georgia, shall determine appropriate  
 95 courses to meet these requirements. No later than July 1, 2015, the Department of  
 96 Education shall communicate to high schools the subject area requirements or elective

97 courses that may be satisfied with dual credit courses provided by eligible postsecondary  
98 institutions, which shall include completion of:

99 (A) At least the following state required ~~ninth and tenth grade level~~ high school courses  
100 or their equivalent: two English courses, two mathematics courses, two science courses,  
101 two social studies courses, and one health and physical education course; and any state  
102 required tests associated with any such courses unless exempt pursuant to paragraph (2)  
103 of subsection (f) of Code Section 20-2-281; and

104 (B) One of the following:

105 (i) An associate degree program;

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

109 (iii) At least two technical college certificate of credit programs in one specific career  
110 pathway and all postsecondary academic education and technical education and  
111 training prerequisites for any state, national, or industry occupational certifications or  
112 licenses required to work in the field as determined by the Technical College System  
113 of Georgia or for any industry and job related skills requisite for a work force need  
114 identified by the State Board of the Technical College System of Georgia pursuant to  
115 paragraph (2) of subsection (b) of Code Section 20-2-149.2."

116 **SECTION 6.**

117 Said title is further amended by revising paragraph (3) of subsection (e) of Code Section  
118 20-2-210, relating to annual performance evaluations, as follows:

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

125 **SECTION 7.**

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

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

132 accordance with the federal Individuals with Disabilities Education Act and state board  
133 regulations.

134 (2) A student shall be exempt from taking the end-of-course assessment for a core  
135 subject course if he or she:

136 (A) Earns a grade of A, B, or C in a dual credit course pursuant to Code Section  
137 20-2-149.2 or 20-2-161.3;

138 (B) Earns a 3 or above on an advanced placement examination; or

139 (C) Earns a 4 or above on an international baccalaureate examination."

140 "(j) The State Board of Education shall adopt rules and regulations requiring the results of  
141 core subject end-of-course assessments to be included as a factor in a student's final grade  
142 in the core subject course for which the end-of-course assessment is given; provided,  
143 however, that this shall not apply to students who earn a grade of A, B, or C in a dual credit  
144 course pursuant to Code Section 20-2-149.2 or 20-2-161.3, a 3 or above on an advanced  
145 placement examination, or a 4 or above on an international baccalaureate examination in  
146 a core subject for which an end-of-course assessment is required pursuant to subsection (f)  
147 of this Code section."

148 **SECTION 8.**

149 Said title is further amended in Part 15 of Article 6 of Chapter 2, relating to miscellaneous  
150 provisions under the "Quality Basic Education Act," by adding a new Code section to read  
151 as follows:

152 "20-2-324.2.

153 (a) This Code section shall be known and may be cited as the 'Educating Children of  
154 Military Families Act.'

155 (b) The Department of Education is authorized to establish a unique identifier for each  
156 student:

157 (1) Whose parent or guardian is an active duty military service member in the armed  
158 forces of the United States; and

159 (2) Whose parent is a member of a reserve component of the armed forces of the United  
160 States or the National Guard

161 in a manner that will allow for disaggregation of data for each category."

162 **SECTION 9.**

163 Said title is further amended by revising paragraph (4) of Code Section 20-2-326, relating  
164 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's  
165 Economy Act," as follows:

166 "(4) 'College and career academy' means a specialized ~~charter~~ school established by as  
 167 a charter school or pursuant to a contract for a strategic waivers school system or charter  
 168 system, which formalizes a partnership which that demonstrates a collaboration between  
 169 business, industry, and community stakeholders to advance ~~workforce~~ work force  
 170 development between one or more local boards of education, a private individual, a  
 171 private organization, or a state or local public entity in cooperation with one or more  
 172 postsecondary institutions ~~and approved by the State Board of Education in accordance~~  
 173 ~~with Article 31 of this chapter or the State Charter Schools Commission in accordance~~  
 174 ~~with Article 31A of this chapter."~~

#### 175 SECTION 10.

176 Said title is further amended by revising Code Section 20-4-37, relating to the Office of  
 177 College and Career Transitions, as follows:

178 "20-4-37.

179 (a)(1) It is the intent of the General Assembly to:

180 (A) Increase high school graduation rates, potential job opportunities, and educational  
 181 opportunities that will prepare students for success in college and the workplace;

182 (B) Establish intergovernmental cooperation between postsecondary institutions and  
 183 local boards of education and collaboration with business, industry, and community  
 184 stakeholders to aid relevant education programs and in the development and support of  
 185 new and existing college and career academies in Georgia;

186 (C) Assist in the development of academic and career ready curriculum;

187 (D) Establish and manage support grant opportunities and awards for new and existing  
 188 college and career academies;

189 (E) Establish a process that allows for college and career academy certification; and

190 (F) Collect and analyze data to evaluate the effectiveness of dual credit and dual  
 191 enrollment programs, secondary and postsecondary partnerships, and college and career  
 192 academics.

193 (2) The General Assembly finds that to accomplish these goals; an office should be  
 194 established to coordinate the efforts of the various education agencies.

195 (b) As used in this Code section, the term:

196 (1) 'Board' means the State Board of the Technical College System of Georgia.

197 (2) 'Certification' means a formal process established by the Office of College and Career  
 198 Transitions, and approved by the board, in which college and career academies  
 199 successfully demonstrate appropriate levels of student achievement, community  
 200 sustainability, ~~workforce~~ work force development, and school level governance.

201 (3) 'Charter petitioner' means a local board of education, group of local boards of  
 202 education, private individual, private organization, state or local public entity, or any  
 203 group of these; that submits a petition for a charter in cooperation with one or more  
 204 postsecondary institutions which have petitioned to establish a college and career  
 205 academy as a charter school pursuant to Article 31 or Article 31A of Chapter 2 of this  
 206 title.

207 (4) 'Charter school' shall ~~have the same meaning as~~ mean the schools included in  
 208 paragraph (3) of Code Section 20-2-2062 and ~~as~~ in paragraph ~~(2)~~ (5) of Code Section  
 209 20-2-2081.

210 (5) 'College and career academy' means a specialized ~~charter~~ school established ~~by~~ as a  
 211 charter school or pursuant to a contract for a strategic waivers school system or charter  
 212 system, which formalizes a partnership which that demonstrates a collaboration between  
 213 business, industry, and community stakeholders to advance ~~workforce~~ work force  
 214 development between one or more local boards of education, a private individual, a  
 215 private organization, or a state or local public entity in cooperation with one or more  
 216 postsecondary institutions ~~and approved by the State Board of Education in accordance~~  
 217 ~~with Article 31 of Chapter 2 of this title or the Georgia Charter Schools Commission in~~  
 218 ~~accordance with Article 31A of Chapter 2 of this title.~~ A charter school, charter system,  
 219 or strategic waivers school system contract establishing a college and career academy  
 220 shall include provisions requiring that the college and career academy have a governing  
 221 board reflective of the school community and the partnership with decision-making  
 222 authority and requiring that governing board members complete initial and annual  
 223 governance training, including, but not limited to, best practices on school governance,  
 224 the constitutional and statutory requirements relating to public records and meetings, and  
 225 the requirements of applicable statutes and rules and regulations.

226 (6) 'Office' means the Office of College and Career Transitions established pursuant to  
 227 subsection (c) of this Code section.

228 (7) 'Postsecondary institution' means a local technical college, community college,  
 229 university, or other postsecondary institution operating under the authority of the  
 230 Technical College System of Georgia or the University System of Georgia or other not  
 231 for profit postsecondary institution accredited by the Southern Association of Colleges  
 232 and Schools.

233 (8) 'Start-up costs' means initial operating or capital costs, including, but not limited to,  
 234 costs of improving real property.

235 (9) 'Supplemental funding' means funding for purposes other than start-up costs which  
 236 are related to the establishment and operation of college and career academies.

237 (c) The Office of College and Career Transitions shall be established within the Technical  
 238 College System of Georgia to coordinate the efforts by the State Board of Education, the  
 239 University System of Georgia, the Technical College System of Georgia, and other not for  
 240 profit postsecondary institutions accredited by the Southern Association of Colleges and  
 241 Schools in the professional development, curriculum support, and development and  
 242 establishment of college and career academies.

243 (d) The board shall be authorized to allocate funds, including state funds, federal funds,  
 244 proceeds of general obligation debt, or any other available funds, for a particular purpose  
 245 for college and career academies for start-up costs or for other purposes related to the  
 246 establishment and operation of such academies by a grant consideration process.

247 (e) A charter petitioner for a college and career academy that has submitted for approval  
 248 or that has drafted for submission for approval a charter petition for a college and career  
 249 academy or a local school system that is proposing a college and career academy as part  
 250 of a contract to be a strategic waivers school system or charter system shall be authorized  
 251 to submit to the board an application for start-up funds for a such college and career  
 252 academy. The board shall approve applications for start-up funds for college and career  
 253 academies that meet the criteria and requirements established pursuant to subsections (i)  
 254 and (j) of this Code section. As part of such funding application process, the office shall  
 255 consider charter applications for college and career academies in cooperation with the  
 256 Office of Charter School Compliance and consider proposed college and career academies  
 257 as part of contracts to be strategic waivers school systems or charter systems and make  
 258 recommendations to the State Board of Education for the approval, denial, and renewal of  
 259 college and career academy charter petitions or proposed college and career academies  
 260 within strategic waivers school systems or charter systems and specify the reasons for such  
 261 recommendations. The State Board of Education ~~should~~ shall consider such a  
 262 recommendation from the office prior to approving or denying a charter petition for a  
 263 college and career academy or a proposal for a college and career academy as part of a  
 264 contract to be a strategic waivers school system or charter system. Funds shall not be  
 265 released to an approved applicant unless the charter petition is approved by the State Board  
 266 of Education pursuant to Article 31 of Chapter 2 of this title or the Georgia Charter Schools  
 267 Commission in accordance with Article 31A of Chapter 2 of this title or unless the contract  
 268 for a strategic waivers school system or charter system which is proposing a college and  
 269 career academy has been approved.

270 (f) The board shall be authorized to disburse supplemental funding to existing or new  
 271 college and career academies which demonstrate a need for such funding.

272 (g)(1) The office shall establish a certification process, in collaboration with the  
 273 Department of Education, for approval by the board. The office shall be authorized to



274 certify college and career academies. The State Board of Education shall accept  
 275 certification by the office as one component of determining compliance with charter and  
 276 strategic waivers school system or charter system contract requirements. The State Board  
 277 of Education may request supplemental information from charter petitioners, strategic  
 278 wavers school systems, or charter systems.

279 (2) Any certification process established pursuant to paragraph (1) of this subsection  
 280 ~~must~~ shall require that the applicant demonstrates how the proposed college and career  
 281 academy will increase student achievement, provide for dual credit and dual enrollment  
 282 opportunities, increase work based learning opportunities, and address ~~workforce~~ work  
 283 force development needs; articulates how the collaboration between business, industry,  
 284 and community stakeholders will advance ~~workforce~~ work force development;  
 285 demonstrates local governance and autonomy; and shows other benefits that meet the  
 286 needs of the students and community.

287 (3) Certification by the office shall constitute a positive recommendation to the State  
 288 Board of Education for renewal of a charter school or charter system pursuant to Code  
 289 Section 20-2-2064.1 or an extension of a strategic waivers school system contract  
 290 pursuant to Article 4 of Chapter 2 of this title.

291 (h) The office shall be responsible for collecting and analyzing appropriate data from and  
 292 about college and career academies on matters consisting of but not limited to college and  
 293 career academy effectiveness. Collecting and reporting of data shall be in coordination  
 294 with the Office of Charter School Compliance.

295 (i) The board shall establish eligibility criteria, requirements, and procedures for the  
 296 disbursement of funding to college and career academies pursuant to this Code section.  
 297 Such criteria, requirements, and procedures shall consider the strength of the proposed  
 298 cooperative arrangements between the local board of education, the group of local boards  
 299 of education, a private individual, a private organization, or a state or local public entity  
 300 and one or more postsecondary institutions and must include active support from and a  
 301 partnership with local business and community leaders for the college and career academy.  
 302 The board may establish a matching requirement for recipients of funds under this Code  
 303 section.

304 (j) A college and career academy receiving funds pursuant to this Code section shall  
 305 submit an annual report to the board regarding the performance of such academy and the  
 306 expenditure of funds received pursuant to this Code section. The report shall include, but  
 307 not be limited to, academic data, financial statements, an evaluation of the progress relative  
 308 to relationships between and among the business, industry, and community stakeholders,  
 309 and any other information requested by the board to demonstrate the yearly progress or  
 310 effectiveness of the college and career academy.

311 (k) Representatives from business, industry, civic, and governmental agencies and  
 312 educational organizations which are designated by the commissioner of the Technical  
 313 College System of Georgia shall advise the board on matters pertaining to both the  
 314 certification and governance of college and career academies."

### 315 SECTION 11.

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

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

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

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

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

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

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

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

340 (7) Any nonprofit corporation created pursuant to this Code section shall not ~~acquire or~~  
 341 ~~hold a fee simple interest in real property by any method, including but not limited to gift,~~  
 342 ~~purchase, condemnation, devise, court order, and exchange~~ purchase, condemn, or  
 343 exchange real property but may receive and accept real property by gift, devise, or court  
 344 order; provided, however, that the nonprofit corporation shall not hold, use, administer,  
 345 or maintain any such real property received or accepted by gift, devise, or court order but  
 346 shall liquidate such property within a reasonable time."

347

**SECTION 12.**

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