

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

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 (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 (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 (5) 'Eligible high school student' means a student entering ninth, tenth, eleventh, or
26 twelfth grade at an eligible high school.

27 (6) 'Eligible postsecondary institution' or 'postsecondary institution' means any eligible
28 postsecondary institution as defined in paragraph (7) of Code Section 20-3-519.

29 (7) 'Program' means the arrangement authorized by this Code section whereby an eligible
30 high school student takes one or more dual credit courses with the goal of completing
31 postsecondary credit and high school diploma requirements.

32 (8) 'Secondary credit' means high school credit for dual credit courses taken at or through
33 an eligible postsecondary institution under the program.

34 (c) Any eligible high school student may apply to an eligible postsecondary institution to
35 take one or more dual credit courses at or through that postsecondary institution which are
36 approved for secondary credit pursuant to subsection (f) of this Code section. If accepted
37 at an eligible postsecondary institution, such eligible high school student may take any such
38 approved dual credit course at or through that postsecondary institution, whether or not the
39 course is taught during the regular eligible high school day, and receive secondary credit
40 therefor under the conditions provided in this Code section.

41 (d) In consultation with and subject to approval by the commission, the department shall
42 develop appropriate forms and counseling guidelines for the program and shall make such
43 forms and guidelines available to eligible high schools and eligible postsecondary
44 institutions. No later than the first day of February each year, each eligible high school
45 shall provide general information about the program, including such forms, to all its
46 eligible high school students. An eligible high school shall also provide counseling
47 services to such students and their parents or guardians before the students enroll in the
48 program. Prior to participating in the program, the student and the student's parent or
49 guardian shall sign the form provided by the eligible high school or by an eligible
50 postsecondary institution stating that they have received the counseling specified in this
51 subsection and that they understand the responsibilities that shall be assumed in
52 participating in the program. Program information and materials shall be provided to each
53 eighth grade public school student at the time the student is developing his or her individual
54 graduation plan as required by Code Section 20-2-327.

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

57 (f)(1) A participating eligible high school shall grant secondary credit to an eligible high
58 school student enrolled in a dual credit course in an eligible postsecondary institution if
59 such student successfully completes that course. The secondary credit granted shall be
60 for a comparable required course; career, technical, and agricultural education course; or
61 elective course. Upon completion of an eligible postsecondary institution's dual credit

62 course, the eligible high school student shall be responsible for requesting that the eligible
63 postsecondary institution notify the student's eligible high school regarding his or her
64 grade in that course.

65 (2) Secondary credits granted for eligible postsecondary institution dual credit courses
66 under paragraph (1) of this subsection shall be counted by the eligible high school toward
67 graduation requirements and subject area requirements of the eligible high school.
68 Evidence of successful completion of each dual credit course and secondary credits
69 granted shall be included in the eligible high school student's secondary school records.

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

81 (A) At least the following state required ninth and tenth grade level high school courses
82 or their equivalent: two English courses, two mathematics courses, two science courses,
83 two social studies courses, and one health and physical education course; and any state
84 required tests associated with any such courses; and

85 (B) One of the following:

86 (i) An associate degree program;

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

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

95 (g) Hours for dual credit courses taken at or through an eligible postsecondary institution
96 pursuant to this Code section by an eligible high school student shall not count against any

97 maximum hourly caps which may be applicable for purposes of HOPE scholarships or
98 grants.

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

101 (i) Every eligible postsecondary institution shall be subject to examination by the
102 commission for the sole purpose of determining whether such postsecondary institution has
103 properly complied with rules and regulations established pursuant to this Code section.

104 Such examination shall be conducted by the commission no less frequently than once every
105 three years. The commission is authorized to conduct the examination using sampling and
106 extrapolation techniques. However, nothing in this subsection shall be construed to
107 interfere with the authority of the postsecondary institution to determine its own
108 curriculum, philosophy, purpose, or administration. In the event it is determined that a
109 postsecondary institution knowingly or through error certified an ineligible student to be
110 eligible for the program established under this Code section, the amount paid to the
111 postsecondary institution pursuant to such certification shall be refunded by the
112 postsecondary institution to the commission. The commission may suspend a
113 postsecondary institution from receiving payments under this Code section if it fails to
114 refund any moneys deemed due pursuant to this subsection.

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

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

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

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

123 (k) The funding provided to the commission for the program shall be subject to annual
124 appropriations enacted by the General Assembly beginning in Fiscal Year 2016. The
125 commission shall set criteria for funding for tuition, mandatory and noncourse related fees,
126 course books, and transportation. The amount of such funds to be paid shall be determined
127 by the commission. The commission shall create a grant program, subject to the
128 availability of funds, pursuant to which participating public eligible high schools may apply
129 for transportation grants. Such grants shall be awarded based on criteria, terms, and
130 conditions determined by the commission in consultation with the department.

131 (l) In the event the funds made available to the commission are not sufficient to enable the
132 commission to meet all funding requirements of the program, the amount paid to eligible
133 postsecondary institutions shall be reduced by the commission. Under no circumstances
134 shall the eligible postsecondary institutions require an eligible high school student
135 participating in the program to pay for tuition, mandatory and noncourse related fees, or
136 course books.

137 (m) Students enrolled in a work based learning program under Code Section 20-2-161.2
138 may be eligible to earn dual credit upon completing a planned training experience under
139 guidelines developed by the Department of Education and the Technical College System
140 of Georgia provided students meet postsecondary readiness established in reading and
141 writing and mathematics for the particular advanced training program or associate's
142 degree."

143 **SECTION 2.**

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

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

149 **SECTION 3.**

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

152 **SECTION 4.**

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

156 "(a) The State Board of Education shall designate the specific dates upon which two counts
157 of students enrolled in each instructional program authorized under this article shall be
158 made each school year and by which the counts shall be reported to the Department of
159 Education. The initial enrollment count shall be made after October 1 but prior to
160 November 17 and the final enrollment count after March 1 but prior to May 1. The report
161 shall indicate the student's specific assigned program for each one-sixth segment of the
162 school day on the designated reporting date. No program shall be indicated for a student

163 for any one-sixth segment of the school day that the student is assigned to a study hall; a
164 noncredit course; a course recognized under this article or by state board policy as an
165 enrichment course, except a driver education course; a course which requires participation
166 in an extracurricular activity for which enrollment is on a competitive basis; a course in
167 which the student serves as a student assistant to a teacher, in a school office, or in the
168 media center, except when such placement is an approved work site of a recognized career,
169 technical, and agricultural education laboratory program; an individual study course for
170 which no outline of course objectives is prepared in writing prior to the beginning of the
171 course; or any other course or activity so designated by the state board. For the purpose
172 of this Code section, the term 'enrichment course' means a course which does not dedicate
173 a major portion of the class time toward the development and enhancement of one or more
174 student competencies as adopted by the state board under Code Section 20-2-140. A
175 program shall not be indicated for a student for any one-sixth segment of the school day
176 for which the student is not enrolled in an instructional program or has not attended a class
177 or classes within the preceding ten days; nor shall a program be indicated for a student for
178 any one-sixth segment of the school day for which the student is charged tuition or fees or
179 is required to provide materials or equipment beyond those authorized pursuant to Code
180 Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code
181 Section 20-2-161.3 shall be counted for the high school program or other appropriate
182 program for each segment in which the student is attending such dual credit course. The
183 state board shall adopt such regulations and criteria as necessary to ensure objective and
184 true counts of students in state approved instructional programs. The state board shall also
185 establish criteria by which students shall be counted as resident or nonresident students,
186 including specific circumstances which may include, but not be limited to, students
187 attending another local school system under court order or under the terms of a contract
188 between two local school systems. If a local school system has a justifiable reason, it may
189 seek authority from the state board to shift full-time equivalent program counts from the
190 designated date to a requested alternate date."

191 **SECTION 5.**

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