

House Bill 100 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickson of the 6<sup>th</sup>, Epps of the 144<sup>th</sup>, Greene of the 151<sup>st</sup>, England of the 116<sup>th</sup>, and Coleman of the 97<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to financing elementary and secondary education, so as to provide for  
3 requirements relating to virtual instruction provided to students enrolled in a local school  
4 system and residing in another local school system; to provide for automatic repeal of a  
5 provision; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
9 relating to financing elementary and secondary education, is amended by adding a new Code  
10 section to read as follows:

11 "20-2-167.1.

12 (a) As used in this Code section, the term:

13 (1) 'Out-of-system student' means a student who is enrolled in a local school system and  
14 receives virtual instruction from a virtual school within the local school system, but who  
15 resides in another local school system.

16 (2) 'Virtual instruction' means online instruction for grades kindergarten through 12.  
17 Such term shall not include virtual instruction received through the Georgia Virtual  
18 School established pursuant to Code Section 20-2-319.1 or the clearing-house established  
19 pursuant to Code Section 20-2-319.3, or through a state charter school which provides  
20 virtual instruction.

21 (3) 'Virtual school' means a school within a local school system which provides virtual  
22 instruction.

23 (b) A local school system that provides virtual instruction through a virtual school whose  
24 total student enrollment is composed of more than 5 percent out-of-system students shall:

25 (1) Ensure that 90 percent of funds earned pursuant to this article for out-of-system  
26 students are expended for costs for virtual instruction for such out-of-system students and

27 shall return any excess funds to the state treasury which are not expended for such  
28 purposes;

29 (2) Include in the virtual school and local school system's College and Career Ready  
30 Performance Index data academic achievement results for out-of-system students; and

31 (3) Not provide virtual instruction to out-of-system students in the current academic year  
32 if the local school system has a College and Career Ready Performance Index for the  
33 most recently available previous academic year that is below the state average for such  
34 previous year, and shall not provide virtual instruction to out-of-system students in the  
35 current academic year through a virtual school within the local school system that has a  
36 College and Career Ready Performance Index for the most recently available previous  
37 academic year that is below the state average for such previous year. This paragraph  
38 shall stand repealed in its entirety on June 30, 2019.

39 (c) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for  
40 a strategic waivers school system, Code Section 20-2-2063.2 for a charter system, Code  
41 Section 20-2-2065 for a charter school, or Code Section 20-2-244."

42 **SECTION 2.**

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