Senate Bill 204
By: Senators Tippins of the 37th, Sims of the 12th, Miller of the 49th, Butler of the 55th, Dugan of the 30th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to vocational, technical, and adult education, so as to provide for the State Board of the Technical College System of Georgia to award high school diplomas; to provide for a pilot program by the State Board of the Technical College System of Georgia which allows students who are 16 years of age or older, who have completed certain coursework requirements, and who have withdrawn from such secondary school, to enroll in the Dual Achieve Program at a technical college of this state and achieve a high school diploma in conjunction with successful completion of the program; to provide for the purposes of the pilot program; to provide for requirements for student eligibility to participate in and complete the program; to provide for waivers and variances; to provide for definitions; to provide for rules and regulations; to provide for a repealer; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for notice requirements for students under age 18 before withdrawing from a public secondary school in this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
PART I.

SECTION 1-1.

Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to vocational, technical, and adult education, is amended in Code Section 20-4-11, relating to powers of the board, by revising paragraphs (1), (2), and (10) and inserting a new paragraph to read as follows:

"20-4-11. The State Board of the Technical College System of Georgia shall be empowered to:

(1) Provide for a comprehensive program of literacy, career, occupational, and technical education for adults and out-of-school youths. Such program shall promote the economic well-being of Georgia citizens by providing high quality postsecondary technical and adult education and literacy programs, services, and activities which are easily accessible by all segments of the adult population who need and can benefit from training, retraining, or upgrade training for employment and which is highly responsive to individuals needing to achieve basic, general, and specialized literacy. Such program shall also provide an opportunity for individuals, including out-of-school youths, who have reached age 16 and who meet certain criteria provided for in this chapter, to attain a high school diploma in conjunction with the completion of one or more other components of the postsecondary technical program. Such program shall also provide a system of schools which is a full partner in the economic development and expansion of the state's economic base and represents a significant asset in the attraction of new business and industry to the state and the expansion of existing business and industry in the state;

(2) Establish and promulgate standards, rules, regulations, and policies for the orderly and efficient operation of the Technical College System of Georgia and of postsecondary technical schools, programs, and institutions, including those which it operates and those
operated by local and area boards of education, and for the orderly and efficient provision of adult literacy and literacy programs:

(A) Such standards, rules, regulations, and policies may include but not be limited to developing criteria for the recruitment, employment and retention of faculty and staff; recruitment of students and student admissions; program approval, salaries and salary supplements, tuition, and fees; eligibility of public and private providers of adult literacy education programs for state and federal funds, levels of funding for such providers and associated levels of required provider matching funds; long and short-term planning to include facilities, program standards, and outcome competencies; establishing provisions for appropriate recognition of program achievement below the baccalaureate level; soliciting resources from the private sector; industry and education partnerships; research and data collection; representing postsecondary technical and adult literacy education in all forums; and such other functions necessary to assure an effective and efficient state-wide system of postsecondary technical schools and adult literacy education with leadership at the state level; and

(B) For adult education and literacy programs, the state board shall establish:

(i) Comprehensive and detailed standards One set of standards for public and private adult education and literacy providers and another set of standards for private adult education and literacy providers. The public standards shall be more comprehensive and detailed than the private standards; and

(ii) Standards and requirements for the attainment of a high school equivalency certificate which shall be comparable to the high school graduation requirements set by the State Board of Education for public school programs and which shall also be at least equal to the requirements established for a general educational development (GED) diploma. The State Board of the Technical College System of Georgia state
board shall also adopt and administer an instrument to measure the level of achievement required to obtain a high school equivalency certificate; and

(iii) Standards and requirements for the attainment of a high school diploma conferred by the state board which shall be comparable to the high school graduation requirements set by the State Board of Education for public school programs;"

"(10)(A) Approve a request by a postsecondary technical school or institution governed under this chapter to be named a technical college upon the approval and granting of occupational degree-granting status by the State Board of the Technical College System of Georgia and upon receiving accreditation by the Commission on Colleges of the Southern Association of Schools, the Council on Occupational Education, or any other appropriate accrediting agency approved by the United States Secretary of Education. The use of the name technical college shall not alter the governance of the technical school or institution as established under this chapter nor shall it abridge the authority of the Board of Regents of the University System of Georgia under the Constitution of this state; and

(B) Award high school diplomas as provided for in this chapter; and"

SECTION 1-2.

Said chapter is further amended by revising Code Section 20-4-18, relating to management and control of adult literacy and postsecondary technical education programs and schools, as follows:

"20-4-18.

Subject to the provisions of Code Section 20-4-20, any other Code section of this article to the contrary notwithstanding, all decisions regarding the delivery of adult literacy and postsecondary technical education programs and services to business, industry, and individuals who are 16 years of age or older and who have completed or left the public schools, to include the awarding of high school equivalency certificates and diplomas, shall
be made by the Technical College System of Georgia. Commensurate with this authority, the system shall exercise state level management and operational control over adult literacy education programs, postsecondary technical schools, and adult vocational centers."

SECTION 1-3.
Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 6

20-4-140.
(a) As used in this article, the term:
(1) 'Dual Achievement Program' or 'program' means the program provided for in this article.
(2) 'Eligible student' means a student who meets the qualifications to participate in the program.
(3) 'State board' means the State Board of the Technical College System of Georgia.
(4) 'Technical college system' means the Technical College System of Georgia.

20-4-141.
(a)(1) The state board shall, in coordination with the State Board of Education, Department of Education, the Department of Juvenile Justice, the Department of Corrections, and the Office of Planning and Budget, establish a pilot program to allow students who meet eligibility requirements to qualify for enrollment in the Dual Achievement Program at a participating unit of the technical college system and, upon successful completion of the program, be awarded a high school diploma. The purpose of the pilot program is to assess the feasibility of implementing a state-funded program for eligible students who have withdrawn from high school to enroll in a unit of the
technical college system to participate in an academic and technical education and
training program which, upon successful completion, allows the student to earn a high
school diploma while also earning a technical college associate degree, a technical
college diploma, or technical college certificates of credit in specific career pathways.

(2) To implement the pilot program, notwithstanding any other provision of law to the
contrary, the State Board of the Technical College System of Georgia and the State Board
of Education shall be authorized to waive or provide variances to state rules, regulations,
policies, and procedures and to provisions of this title that may be reasonably necessary
to meet the goals of the pilot program. Such waivers or variances shall automatically
expire at the end of five years unless an earlier expiration is provided for. The State
Board of the Technical College System of Georgia and the State Board of Education shall
be authorized to seek waivers or variances of federal laws, rules, regulations, policies,
and procedures that may be reasonably necessary to meet the goals of the pilot program.

(3) The pilot program, as determined by the state board, may include up to five units of
the technical college system for a period of five years. In an effort to pilot the program
under various conditions present in the state, the state board shall seek to include in the
pilot program units of the technical college system from various geographic areas in the
state.

(4) The state board shall review the results of the pilot program and shall no later than
February 1 each year during the program provide the General Assembly with a
comprehensive report on the program with any recommendations for its continued use
and any needed changes in the program. Such report shall include a comprehensive list
any such waivers or variances requested as provided for in paragraph (2) of this
subsection, a statement of necessity for each request, and whether each request was
granted in whole or in part.

(b) The pilot program established by the state board pursuant to this article shall provide
for the award of a high school diploma to students who successfully complete the program.
(c) The state board shall determine the specific competencies concerning the skills and knowledge needed for completion of each component of the program; provided, however, that the state board shall make such determination regarding the skills and knowledge needed to meet the requirements for a high school diploma as provided for in this program in consultation with the State Board of Education and the Department of Education.

(d) In order to minimize the risk of prospective students prematurely withdrawing from a secondary school in order to participate in the program, the state board shall provide for preliminary review of academic records, including, but not limited to official secondary school transcripts, submitted by prospective students to determine whether such students meet the requirements provided for in paragraphs (1) and (2) of subsection (e) of this Code Section. If a prospective student meets such requirements, the student shall be so notified and allowed to complete a readiness assessment required by the technical college system. Students who meet the requirements provided for in paragraphs (1) and (2) of subsection (e) of this Code Section and attain a score of admission acceptable on the readiness assessment shall be notified that they are eligible to participate in the program, subject to meeting the requirements provided for in paragraphs (4) and (5) of subsection (e) of this Code Section.

(e) To be eligible to participate in the program, a student shall:

(1) Be 16 years of age or older;

(2) Have completed at least six of the nine following state required ninth and tenth grade level high school courses: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state required tests associated with any such courses;

(3) Receive a score of admission acceptable on the readiness assessment required by the technical college system;

(4) Provide the following:

(A) If an unemancipated minor:
(i) Verification that the student's parent or legal guardian attended a conference with the student's high school principal or the principal's designee as provided for in subsection (e) of Code Section 20-2-690.1;

(ii) A copy of the form provided for in subsection (e) of Code Section 20-2-690.1 signed by the student's parent or legal guardian;

(iii) Written acknowledgment by the student's parent or guardian that withdrawal of the student from secondary school may result in loss of eligibility for accommodations, specialized instruction, and other services pursuant to the federal Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq.; and

(iv) Written acknowledgment that the high school diploma available through the Dual Achievement Program requires successful completion of the program; or

(B) If an emancipated minor or a student who is 18, 19, or 20 years of age:

(i) Written acknowledgment that the student has conferred with his or her secondary school principal or the principal's designee or a qualified designated official of the technical college system and discussed alternatives to withdrawing from high school without completing graduation requirements and potential consequences of not having a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities.

(ii) Written acknowledgment by the student's parent or guardian that withdrawal of the student from secondary school may result in loss of eligibility for accommodations, specialized instruction, and other services pursuant to the federal Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq.; and
(iii) Written acknowledgment that the high school diploma available through the Dual Achievement Program requires successful completion of the program; and

(5) Be withdrawn from a public secondary school of this state.

(f) The state board shall award a high school diploma to a student enrolled in the program provided for in this article who:

(1) Completes all student counseling and assessment requirements of the program;

(2) Completes rigorous coursework at a participating unit of the technical college system; and

(3) Completes:

(A) A technical college associate degree program;

(B) A technical college diploma program; or

(C) At least two technical college certificate of credit programs in one specific career pathway.

(g) A student who meets the requirements of subsections (f) of this Code section shall be deemed to have met all graduation requirements of the State Board of Education and shall not be subject to any assessments otherwise required for purposes of graduation.

(h) The state board, in consultation with the State Board of Education, Department of Education, the Department of Juvenile Justice, the Department of Corrections, and the Office of Planning and Budget, shall establish rules and regulations to implement the provisions of this article.

20-4-142.

This article shall stand repealed on July 1, 2026."
Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Code Section 20-2-690.1, relating to mandatory education for children between ages six and sixteen, by revising subsection (e) as follows:

"(e) An unemancipated minor who is older than the age of mandatory attendance as required in subsection (a) of this Code section who has not completed all requirements for a high school diploma who wishes to withdraw from school shall have the written permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting such permission, the school principal or designee shall convene a conference with the child and parent or legal guardian within two school days of receiving notice of the intent of the child to withdraw from school. The principal or designee shall make a reasonable attempt to share with the student and parent or guardian the educational options available, including the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Every local board of education shall adopt a policy on the process of voluntary withdrawal of unemancipated minors who are older than the mandatory attendance age. The policy shall be filed with the Department of Education no later than January 1, 2007. The Department of Education shall provide annually to all local school superintendents model forms for the parent or guardian signature requirement contained in this subsection and updated information from reliable sources relating to the consequences of withdrawing from school without completing all requirements for a high school diploma. Such form shall include information relating to the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the child will be qualified, and the inability to avail oneself of higher educational opportunities."
student will be qualified, and the inability to avail oneself of higher educational opportunities. Such form shall also include information regarding potential loss of eligibility for accommodations, specialized instruction, and other services pursuant to the federal Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq. Each local school superintendent shall provide such forms and information to all of its principals of schools serving grades six through twelve for the principals to use during the required conference with the child and parent or legal guardian."

PART III.

SECTION 3-1.

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