

House Bill 217 (AS PASSED HOUSE AND SENATE)

By: Representatives Hong of the 103rd, Martin of the 49th, Erwin of the 32nd, Wade of the 9th,
and Ballard of the 147th

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 provisions relating to ineligibility for election to a local board of education; to provide
3 for the education savings authority to make limited disclosures to the Department of Revenue
4 for purposes of verifying income as compared to income thresholds; to extend the Dual
5 Achievement Program for an additional five years; to provide updated eligibility
6 requirements for the program beginning July 1, 2026; to provide for continued eligibility for
7 students already enrolled in the program; to provide for QBE funding and accountability
8 assessments to be included in the program; to provide for policies, rules, and regulations; to
9 provide for participation agreements; to provide for reporting; to provide for automatic
10 repeal; to provide definitions; to provide for related matters; to repeal conflicting laws; and
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
15 Code Section 20-2-51, relating to election of local board of education members, persons

ineligible to be members of superintendent, ineligibility for local boards of education, and ineligibility for other elective offices, by revising subparagraph (c)(4)(B) as follows:

"(B) Notwithstanding subsection (b) of Code Section 20-2-244, in local school systems in which the ~~initial fall~~ current enrollment count conducted ~~in 2009~~ pursuant to Code Section 20-2-160 does not exceed a full-time equivalent count of 2,800, the State Board of Education shall be authorized to waive this paragraph upon the request of a local board of education or an individual attempting to qualify to run for local board of education member and in accordance with the provisions of subsections (d) and (e) of Code Section 20-2-244; provided, however, that prior to submitting any such request, the local board of education shall, upon its own initiative, or at the request of such individual attempting to qualify to run for local board of education member:

- (i) Provide 30 days' notice of the individual's intent to run for office; and
- (ii) Conduct a public hearing for the purpose of providing an opportunity for full discussion and public input on the issue of potential nepotism problems and other concerns with regard to such waiver. The public hearing shall be advertised at least seven days prior to the date of such hearing in a local newspaper of general circulation which shall be the same newspaper in which other legal announcements of the local board of education are advertised. The public hearing may be conducted in conjunction with a regular or called meeting of the local board or may be conducted independently, at the local board's discretion.

The cost of such notice and public hearing shall be borne by the local board. The State Board of Education shall approve or deny a waiver request no later than 45 days after receipt of such waiver request, taking into consideration whether the benefit to the public would justify approval of the waiver. An approved waiver must be received by the local election superintendent prior to an individual's filing of a declaration or notice of candidacy in accordance with Article 4 of Chapter 2 of Title 21."

SECTION 2.

Said title is further amended in Code Section 20-2B-5, relating to powers of the education savings authority, by revising subsection (b) and by adding a new subsection to read as follows:

"(b) ~~Pursuant~~ Except as provided in subsection (d) of this Code section, pursuant to Code Section 50-18-70, the education savings authority shall not disclose and shall keep confidential, in each case unless identifying information has been redacted:

(1) Records that include information identifying a student or former student by name, address except for ZIP Code, telephone number, or emergency contact; and

(2) Records that reveal an individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information, insurance or medical information in all records, unlisted telephone number if so designated in a public record, personal email address or cellular telephone number, or month and day of birth."

"(d) As necessary to enforce the provisions of this chapter, the education savings authority or its duly authorized agents may submit to the state revenue commissioner the names of applicants for promise scholarship accounts or account funds or other benefits or payments provided under this chapter, as well as the relevant income threshold specified therein. If the education savings authority elects to contract with the state revenue commissioner for such purposes, the state revenue commissioner and his or her agents or employees shall notify the education savings authority whether each submitted applicant's income exceeds the relevant income threshold provided. The education savings authority shall pay the state revenue commissioner for all costs incurred by the Department of Revenue pursuant to this subsection. No information shall be provided by the Department of Revenue to the education savings authority without an executed cooperative agreement between the two entities. Any tax information secured from the federal government by the Department of

Revenue pursuant to express provisions of Section 6103 of the Internal Revenue Code may not be disclosed by the Department of Revenue pursuant to this subsection. Any person receiving any tax information under the authority of this subsection is subject to the provisions of Code Section 48-7-60 and to all penalties provided under Code Section 48-7-61 for unlawful divulging of confidential tax information."

SECTION 3.

Said title is further amended in Chapter 4, relating to vocational, technical, and adult education, by revising Article 6, relating to the Dual Achievement Program, as follows:

"ARTICLE 6

20-4-140.

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) 'Extracurricular activities' and 'interscholastic activities' shall have the same respective meanings as set forth in Code Section 20-2-319.6.

(4) 'QBE formula earnings' means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161 and shall include the portion of such funds that are calculated as the local five mill share in accordance with Code Section 20-2-164. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, and staff development, as determined by the Department of Education.

~~(3)~~(5) 'State board' means the State Board of the Technical College System of Georgia.

(6) 'Resident school' means the public school in which an eligible student is or would be enrolled based on his or her primary residence.

(7) 'Resident school system' means the public school system in which an eligible student is or would be enrolled based on his or her primary residence.

~~(4)~~(8) '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~~ state board 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, including, but not limited to, such rules, regulations, policies, procedures, and provisions as relate to the calculation, allocation, and distribution of QBE formula earnings. Such waivers or variances shall automatically expire at the end of ~~five~~ ten years unless an earlier expiration is provided for. The ~~State~~

~~Board of the Technical College System of Georgia~~ state board 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~~ ten 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~~ November 15 each year during the program provide ~~the General Assembly~~ the Office and Planning and Budget and the chairpersons of the House Committee on Education, the Senate Education and Youth Committee, the House Committee on Higher Education, the Senate Higher Education Committee, the House Committee on Appropriations, and the Senate Appropriations Committee 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 of any such waivers or variances implemented or requested as provided for in paragraph (2) of this subsection, a statement of necessity for each waiver or variance, and with respect to any such requests, 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 by the state board 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~~ 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~~ 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~~ section and attain a an acceptable 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 the applicable paragraphs ~~(4) and (5)~~ of subsection ~~(e)~~ (f) of this Code ~~Section~~ 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 an acceptable score of admission ~~acceptable~~ on the readiness assessment required by the technical college system; and

(4) Meet the requirements provided for in the applicable paragraph of subsection (f) of this Code section.

(f)(1) Before July 1, 2026, to be eligible to participate in the program, a student shall be withdrawn from a public secondary school of this state, shall meet the requirements

provided for in subsection (e) of this Code section, and shall provide ~~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. U.S.C.~~ Section 1400, et seq., and Section 504 of the federal Rehabilitation Act of 1973, ~~29 U.S.C.A. U.S.C.~~ 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. U.S.C.~~ Section 1400, et seq.,
and Section 504 of the federal Rehabilitation Act of 1973, ~~29 U.S.C.A. U.S.C.~~ 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.~~

(2) Beginning July 1, 2026, to be eligible to participate in the program, a student shall
be enrolled in a public secondary school of this state, shall not have reached 21 years of
age, shall meet the requirements provided for in subsection (e) of this Code section, and
shall provide the following:

(A) Written acknowledgment that such student shall not be eligible to participate in
extracurricular activities or interscholastic activities under the sponsorship, direction,
or control of such student's resident school or resident school system; and

(B) Written acknowledgment that the high school diploma available through the Dual
Achievement Program requires successful completion of the program.

(g) Any student who is enrolled in the program on June 30, 2026, shall remain eligible to
participate in the program according to the terms and conditions of such student's original
eligibility to participate in the program.

(h) By March 1, 2026, the State Board of Education shall adopt any policies, rules, or
regulations that are necessary to ensure that any student who withdraws from his or her
resident school or resident school system and subsequently wishes to participate in the
program shall be permitted to re-enroll in such resident school or resident school system
in order to participate in the program on and after July 1, 2026. Such policies, rules, and
regulations shall provide for such students to complete such re-enrollment without having
to appear at such resident school or resident school system. Upon collaboration with the
state board, such policies, rules, and regulations may provide for such re-enrollment to be
facilitated by the technical college system.

~~(f)~~(i) 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)~~(j) A student who meets the requirements of ~~subsections (f)~~ subsection (h) 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)~~(k) 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.

20-2-141.1.

(a) By January 1, 2026, the State Board of Education, in collaboration with the state board, the Office of Planning and Budget, and the Office of Student Achievement, shall establish whatever policies, rules, and regulations are necessary to implement the requirements of this article, including, but not limited to, any such policies, rules, or regulations that are necessary to accurately account for each student who is participating in the program pursuant to paragraph (2) of subsection (f) of Code Section 20-4-141 in the counts required by Code Section 20-2-160.

(b) For each eligible student enrolled in the program on or after July 1, 2026, the State Board of Education shall pay to the state board an amount not less than a proportional share of QBE formula earnings, QBE grants, and federal funds earned by the resident school system for such eligible student. Such proportional share shall be calculated pro rata based on the number of one-sixth segments of the school day such eligible student attends at a participating unit of the technical college system.

(c)(1) By April 1, 2026, and by April 1 each year thereafter, the state board and the State Board of Education shall publish on the public website of the technical college system a comprehensive list of courses at participating units of the technical college system that shall be counted towards high school diploma requirements and shall be considered a one-sixth segment of the school day for the purposes of this article. Once such a comprehensive list is published on the public website of the technical college system, it may only be revised upon written agreement by the state board and the State Board of Education detailing the reasons for each revision. In the event such comprehensive list is revised pursuant to such a written agreement, the comprehensive list published on the public website of the technical college system shall be updated immediately along with a copy of such written agreement.

(2) Each revision to the comprehensive list required by paragraph (1) of this subsection shall be prospective, and no revision to such comprehensive list shall result in any adverse action for any student enrolled and in good standing at the time of such revision.

(d) Beginning July 1, 2026, each resident school system with an eligible student who is participating in the program pursuant to paragraph (2) of subsection (f) of Code Section 20-4-141 shall enter into a participation agreement with the state board agreeing that each such student:

(1) Is enrolled in the resident school system and resident school for administrative purposes and for the purposes of education accountability assessment programs provided for in Article 2 of Chapter 14 of this title only; and

280 (2) Shall not be eligible to participate in extracurricular activities or interscholastic
281 activities under the sponsorship, direction, or control of such student's resident school or
282 resident school system.

283 20-4-142.

284 This article shall stand repealed on July 1, ~~2026~~ 2031."

285 **SECTION 4.**

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