

Senate Bill 114

By: Senators Harbison of the 15th, Harp of the 29th, Douglas of the 17th and Seay of the 34th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to define certain terms; to provide for
3 applicability; to provide for the transfer of students who are military dependents into a local
4 school system; to provide for placement; to provide for a waiver of course prerequisites; to
5 provide for additional excused absences for certain students; to provide for eligibility for
6 enrollment; to provide for on-time graduation; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
11 secondary education, is amended by adding a new article to read as follows:

12 "ARTICLE 34

13 Part 1

14 20-2-2130.

15 As used in this article, the term:

16 (1) 'Active duty' means full-time duty status in the active uniformed services of the
17 United States, including members of the National Guard and Reserve on active duty
18 orders pursuant to 10 U.S.C. Sections 1209 and 1211.

19 (2) 'Child of military families' means a school-aged child, enrolled in kindergarten
20 through grade 12, in the household of an active duty member.

21 (3) 'Deployment' means the period one month prior to the service members' departure
22 from their home station on military orders though six months after return to their home
23 station.

24 (4) 'Educational records' means those official records, files, and data directly related to
 25 a student and maintained by the school or local education agency, including but not
 26 limited to records encompassing all the material kept in the student's cumulative folder
 27 such as general identifying data, records of attendance and of academic work completed,
 28 records of achievement and results of evaluative tests, health data, disciplinary status, test
 29 protocols, and individualized education programs.

30 (5) 'Extracurricular activities' means a voluntary activity sponsored by the school or local
 31 education agency or an organization sanctioned by the local education agency.
 32 Extracurricular activities include, but are not limited to, preparation for and involvement
 33 in public performances, contests, athletic competitions, demonstrations, displays, and
 34 club activities.

35 (6) 'Local education agency' means a public authority legally constituted by the state as
 36 an administrative agency to provide control of and direction for kindergarten through
 37 grade 12 public educational institutions.

38 (7) 'Sending state' means the member state from which a child of a military family is
 39 sent, brought, or caused to be sent or brought.

40 (8) 'State' means a state of the United States, the District of Columbia, the
 41 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
 42 Samoa, the Northern Marianas Islands, and any other United States territory.

43 (9) 'Student' means the child of a military family for whom the local education agency
 44 receives public funding and who is formally enrolled in kindergarten through grade 12.

45 (10) 'Transition' means:

46 (A) The formal and physical process of transferring from school to school; or

47 (B) The period of time in which a student moves from one school in the sending state
 48 to another school in the receiving state.

49 (11) 'Uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast
 50 Guard, Commissioned Corps of the National Oceanic and Atmospheric Administration,
 51 and Public Health Services.

52 (12) 'Veteran' means a person who served in the uniformed services and who was
 53 discharged or released therefrom under conditions other than dishonorable.

54 20-2-2131.

55 (a) Except as otherwise provided in subsection (b) of this Code section, this article shall
 56 apply to the children of:

57 (1) Active duty members of the uniformed services as defined in Code Section
 58 20-2-2130, including members of the National Guard and Reserve on active duty orders
 59 pursuant to 10 U.S.C. Sections 1209 and 1211;

60 (2) Members or veterans of the uniformed services who are severely injured and
61 medically discharged or retired for a period of one year after medical discharge or
62 retirement; and

63 (3) Members of the uniformed services who die on active duty or as a result of injuries
64 sustained on active duty for a period of one year after death.

65 (b) The provisions of this article shall not apply to the children of:

66 (1) Inactive members of the national guard and military reserves;

67 (2) Members of the uniformed services now retired, except as provided in subsection (a)
68 of this Code section;

69 (3) Veterans of the uniformed services, except as provided in subsection (a) of this Code
70 section; and

71 (4) Other United States Department of Defense personnel and other federal agency
72 civilian and contract employees not defined as active duty members of the uniformed
73 services.

74 Part 2

75 20-2-2140.

76 In the event that official education records cannot be released to the parents or legal
77 guardian for the purpose of transfer, a local school system shall accept a complete set of
78 unofficial educational records prepared by the sending school and furnished to the parent
79 or legal guardian. Upon receipt of such unofficial education records, the local school
80 system shall enroll and appropriately place the student based on the information provided
81 in the unofficial records pending validation by the official records, as quickly as possible.
82 Simultaneously with the enrollment and conditional placement of the student, the local
83 school system shall request the student's official education record from the school in the
84 sending state.

85 20-2-2141.

86 Local school systems shall give 30 days from the date of enrollment for students to obtain
87 any immunization required by the receiving state. For a series of immunizations, initial
88 vaccinations must be obtained within 30 days.

Part 3

89

90 20-2-2150.

91 Students shall be allowed to continue their enrollment at grade level in the local school
92 system commensurate with their grade level, including kindergarten, from a local education
93 agency in the sending state at the time of transition, regardless of age. A student who has
94 satisfactorily completed the prerequisite grade level in the local education agency in the
95 sending state shall be eligible for enrollment in the next highest grade level in the receiving
96 state, regardless of age. A student transferring after the start of the school year in the
97 receiving state shall enter the school in the receiving state on their validated level from an
98 accredited school in the sending state.

99 20-2-2151.

100 When the student transfers before or during the school year, the local school system shall
101 initially honor placement of the student in educational courses based on the student's
102 enrollment in the sending state school or educational assessments conducted at the school
103 in the sending state, if the courses are offered. Course placement includes but is not limited
104 to honors, international baccalaureate, advanced placement, vocational, technical, and
105 career pathways courses. Continuing the student's academic program from the previous
106 school and promoting placement in academically and career challenging courses should be
107 paramount when considering placement. Nothing in this Code section shall preclude the
108 local school system from performing subsequent evaluations to ensure appropriate
109 placement and continued enrollment of the student in any course.

110 20-2-2152.

111 The local school system shall initially honor placement of the student in educational
112 programs based on current educational assessments conducted at the school in the sending
113 state or participation or placement in similar programs in the sending state. Such programs
114 include, but are not limited to:

115 (1) Gifted and talented programs; and116 (2) English as a second language.

117 Nothing in this Code section shall preclude the school in the receiving state from
118 performing subsequent evaluations to ensure appropriate placement of the student.

119 20-2-2153.

120 Local school systems shall have flexibility in waiving course or program prerequisites or
121 other preconditions for placement in courses and programs offered by the local school
122 system.

123 20-2-2154.

124 A local school system may grant additional excused absences to a student whose parent or
125 legal guardian is an active duty member of the uniformed services and has been called to
126 duty for, is on leave from, or immediately returned from deployment to a combat zone or
127 combat support posting, so that such student may visit with his or her parent or legal
128 guardian relative to such leave or deployment of the parent or guardian.

129 Part 4

130 20-2-2160.

131 (a) Special power of attorney, relative to the guardianship of a child of a military family
132 and executed under applicable law, shall be sufficient for the purposes of enrollment and
133 all other actions requiring parental participation and consent.

134 (b) A local school system shall be prohibited from charging local tuition to a transitioning
135 military child placed in the care of a noncustodial parent or other person standing in loco
136 parentis who lives in a jurisdiction other than that of the custodial parent.

137 (c) A transitioning military child, placed in the care of a noncustodial parent or other
138 person standing in loco parentis who lives in a jurisdiction other than that of the custodial
139 parent, may continue to attend the school in which he or she was enrolled while residing
140 with the custodial parent.

141 20-2-2161.

142 Local school systems shall facilitate the opportunity for transitioning military children's
143 inclusion in extracurricular activities, regardless of application deadlines, to the extent they
144 are otherwise qualified.

145 Part 5

146 20-2-2170.

147 In order to facilitate the on-time graduation of children of military families, states and local
148 school systems shall incorporate the following procedures:

149 (1) Local school systems shall waive specific courses required for graduation if similar
150 course work has been satisfactorily completed in another local education agency or shall
151 provide reasonable justification for denial. Should a waiver not be granted to a student
152 who would qualify to graduate from the sending school, the local school system shall
153 provide an alternative means of acquiring required course work so that graduation may
154 occur on time;

155 (2) Local school systems shall accept exit or end-of-course exams required for
156 graduation from the sending state, national norm-referenced achievement tests, or
157 alternative testing in lieu of testing requirements for graduation in this state; and

158 (3) Should a military student transferring at the beginning or during his or her senior year
159 be ineligible to graduate from the receiving local education agency after all alternatives
160 have been considered, the local school system shall coordinate with the sending local
161 education agency to ensure the receipt of a diploma."

162 **SECTION 2.**

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