

House Bill 853

By: Representatives Dempsey of the 13<sup>th</sup>, Efstration of the 104<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Benton of the 31<sup>st</sup>, and Coleman of the 97<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to the short title and purpose of the "Quality Basic Education Act," so  
3 as to provide that children placed in psychiatric residential treatment facilities pursuant to a  
4 physician's order may not be charged tuition; to provide for eligibility for enrollment; to  
5 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 1 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
9 relating to the short title and purpose of the "Quality Basic Education Act," is amended by  
10 revising subsection (a) and paragraph (1) of subsection (b) of Code Section 20-2-133,  
11 relating to free public instruction, as follows:

12 "(a) Admission to the instructional programs funded under this article shall be free to all  
13 eligible children and youth who enroll in such programs within the local school system in  
14 which they reside and to children as provided in subsection (b) of this Code section.  
15 Therefore, a local school system shall not charge resident students tuition or fees, nor shall  
16 such students be required to provide materials or equipment except for items specified by  
17 the State Board of Education, as a condition of enrollment or full participation in any  
18 instructional program. However, a local school system is authorized to charge nonresident  
19 students tuition or fees or a combination thereof; provided, however, that such charges to  
20 a student shall not exceed the average locally financed per student cost for the preceding  
21 year, excluding the local five mill share funds required pursuant to Code Section 20-2-164;  
22 provided, further, that:

23 (1) No child in a placement operated or licensed by the Department of Human  
24 Services or the Department of Behavioral Health and Developmental Disabilities or for  
25 which payment is made by the Department of Juvenile Justice, the Department of Human

26 Services or any of its divisions, or the Department of Behavioral Health and  
27 Developmental Disabilities; and

28 (2) No child who is:

29 (A) In ~~in~~ the physical or legal custody of the Department of Juvenile Justice; ;

30 (B) Under ~~under~~ the care or physical or legal custody of the Department of Human  
31 Services or any of its divisions; or

32 (C) Under ~~under~~ the physical custody of the Department of Behavioral Health and  
33 Developmental Disabilities; or

34 (D) Under the custody of a parent or legal guardian and who has been placed pursuant  
35 to a physician's order in a psychiatric residential treatment facility

36 shall be charged tuition, fees, or a combination thereof. A local school system is further  
37 authorized to contract with a nonresident student's system of residence for payment of  
38 tuition. The amount of tuition paid directly by the system of residence shall be limited only  
39 by the terms of the contract between systems. Local units of administration shall provide  
40 textbooks or any other reading materials to each student enrolled in a class which has a  
41 course of study that requires the use of such materials by the students.

42 (b)(1) Any child, except a child in a secure residential facility as defined in Code  
43 Section 15-11-2, as specifically provided in this paragraph, who is:

44 (A) In ~~in~~ the physical or legal custody of the Department of Juvenile Justice or the  
45 Department of Human Services;

46 (B) In ~~in~~ a placement operated or licensed by the Department of Human Services or the  
47 Department of Behavioral Health and Developmental Disabilities; or

48 (C) In ~~in~~ a facility or placement paid for by the Department of Juvenile Justice, the  
49 Department of Human Services or any of its divisions, or the Department of Behavioral  
50 Health and Developmental Disabilities; or

51 (D) In a psychiatric residential treatment facility pursuant to a physician's order

52 and who is physically present within the geographical area served by a local unit of  
53 administration for any length of time is eligible for enrollment in the educational  
54 programs of that local unit of administration; provided, however, that the child meets the  
55 age eligibility requirements established by this article. Except for children who are  
56 committed to the Department of Juvenile Justice and receiving education services under  
57 Code Section 20-2-2084.1, the local unit of administration of the school district in which  
58 such child is present shall be responsible for the provision of all educational programs,  
59 including special education and related services, at no charge so long as the child is  
60 physically present in the school district. A child shall be considered in the physical or  
61 legal custody of the Department of Juvenile Justice or the Department of Human Services  
62 or any of its divisions if custody has been awarded either temporarily or permanently by

court order or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Human Services. A child shall be considered in a facility or placement paid for or operated by the Department of Behavioral Health and Developmental Disabilities if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Behavioral Health and Developmental Disabilities. No child in a secure residential facility as defined in Code Section 15-11-2, regardless of his or her custody status, shall be eligible for enrollment in the educational programs of the local unit of administration of the school district in which such facility is located. No child or youth in the custody of the Department of Corrections or the Department of Juvenile Justice and confined in a facility as a result of a sentence imposed by a court shall be eligible for enrollment in the educational programs of the local unit of administration of the school district where such child or youth is being held; provided, however, that such child or youth may be eligible for enrollment in a state charter school pursuant to Code Section 20-2-2084.1."

## SECTION 2.

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