

House Bill 855

By: Representatives Wiedower of the 119th, Jasperse of the 11th, Gaines of the 117th, McCall of the 33rd, Reeves of the 34th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to educational programs, so as to direct the State Board of Education to
3 determine eligibility criteria for foster care students to receive special education and related
4 services; to require the Department of Education to provide guidance to local school systems;
5 to require local school systems to immediately determine whether to initiate the initial
6 evaluation process for newly enrolled foster care students; to require the State Board of
7 Education to develop rules and regulations; to provide for definitions; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
12 relating to educational programs, is amended by adding a new Code section to read as
13 follows:

14 "20-2-152.2.

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

16 (1) 'Foster care student' means a student who is placed in a foster family home, child care
17 institution, or another substitute care setting approved by the Department of Human
18 Services.

19 (2) 'Trauma' means exposure of a foster care student, as a witness or direct participant,
20 to one or more traumatic events or traumatic situations, including but not limited to
21 community violence, child abuse and neglect, domestic violence, sexual abuse, and
22 natural disasters.

23 (b) The State Board of Education shall adopt criteria to determine the eligibility of foster
24 care students for special education and related services provided for in Code Section
25 20-2-152. Such eligibility criteria shall include evidence of whether trauma has adversely
26 affected the foster care student's educational performance, including both academics and

27 classroom behavior. Further, the Department of Education shall provide guidance to local
28 school systems regarding procedures for initiating the initial evaluation process for
29 determining the eligibility of foster care students for special education and related services.
30 (c) Upon the enrollment of a foster care student, a local school system shall immediately
31 determine whether the initial evaluation process for determining eligibility for special
32 education and related services should be initiated for such foster care student.
33 (d) The State Board of Education shall develop rules and regulations for implementing this
34 Code section by January 1, 2021."

35 **SECTION 2.**

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