

Senate Bill 431

By: Senators Kirkpatrick of the 32nd, Hatchett of the 50th, Payne of the 54th, Gooch of the 51st and Parent of the 44th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-2-670 of the Official Code of Georgia Annotated, relating to  
2 disclosures and information required for permanent enrollment in a grade higher than third,  
3 provisional enrollment, and transfer of education records, so as to require the enrollment of  
4 foster care students within two school days of a request for enrollment by such student's  
5 parent or legal custodian; to provide for reporting noncompliance and for corrective action  
6 plans; to revise provisions relative to provisional enrollment; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 20-2-670 of the Official Code of Georgia Annotated, relating to disclosures  
11 and information required for permanent enrollment in a grade higher than third, provisional  
12 enrollment, and transfer of education records, is amended by revising subsection (c) and  
13 adding a new subsection to read as follows:

14 "(c)(1) ~~A~~ In the event that a student cannot be permanently enrolled in a receiving school,  
15 such student may be provisionally enrolled in a receiving school for not more than ten  
16 school days on a conditional basis; provided, however, that such provisional enrollment

17 shall not commence until the next school day after such student's parent or legal custodian  
18 executes a document:

19 (A) Disclosing the information required in paragraph (1) of subsection (b) of this Code  
20 section; and

21 (B) Providing the name and address of each sending school such student attended  
22 during the previous 24 months and authorizing the immediate release of such student's  
23 critical records to the receiving school.

24 (2) If the receiving school does not receive such student's critical records from each  
25 sending school such student attended during the previous 24 months, the receiving school  
26 shall be authorized to temporarily assign such student to remote learning until such  
27 critical records are received or the case management consultation provided for in  
28 subsection (i) of this Code section is completed.

29 (3) If a student provisionally enrolled in a receiving school is found to be ineligible for  
30 enrollment pursuant to the provisions of Code Section 20-2-751.2, or is subsequently  
31 found to be so ineligible, he or she shall be dismissed from enrollment in such receiving  
32 school until such time as he or she becomes so eligible.

33 (c.1)(1) Notwithstanding any provision of this Code section to the contrary, no receiving  
34 school shall fail or refuse to enroll a foster care student, as such term is defined in Code  
35 Section 20-2-692.2, within two school days of a request to enroll such foster care student  
36 by his or her parent or legal custodian. Such enrollment may be either permanent or  
37 provisional. Such enrollment shall not be construed to waive the requirements of  
38 subsections (b) and (c) of this Code section applicable to the parent or legal custodian of  
39 such foster care student. No such foster care student shall be assigned to remote learning  
40 based solely on the receiving school not having received such foster care student's critical  
41 records.

42 (2) If a receiving school does not enroll a foster care student within two school days of  
43 the request to enroll such foster care student by his or her parent or legal custodian, or

44 assigns a foster care student to remote learning based solely on the receiving school not  
45 having received such foster care student's critical records, the receiving school principal  
46 or his or her designee shall immediately provide the parent or legal custodian of such  
47 foster care student with accurate contact information, including name and official email  
48 address and telephone number, for:

49 (A) The RESA student affairs officer of the RESA in which the receiving school is  
50 located; and

51 (B) The Department of Education's chief privacy officer.

52 (3) Upon a recommendation by the Department of Education's chief privacy officer or  
53 the RESA student affairs officer provided for in paragraph (2) of this subsection, the  
54 Department of Education shall be authorized to require the receiving school to comply  
55 with an appropriate corrective action plan."

56 **SECTION 2.**

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