

House Bill 1294

By: Representatives Lupton of the 83rd, Townsend of the 179th, Lim of the 98th, and Wilkerson of the 38th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to student health in elementary and secondary education, so as to provide
3 for a grace period of up to 180 days for transfer students to be evaluated for and receive
4 medical and education services based upon medical forms executed by out-of-state
5 physicians; to provide for exceptions; to require the State Board of Education and the
6 Department of Public Health to adopt rules, regulations, and procedures; to provide for
7 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
11 relating to student health in elementary and secondary education, is amended by adding a
12 new Code section to read as follows:

13 "20-2-779.5.

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

15 (1) 'Athletic association' means any association of schools or any other similar
16 organization which acts as an organizing, sanctioning, scheduling, or rule-making body

17 for interscholastic athletic activities or similar events in which public elementary or
18 secondary schools in this state participate.

19 (2) 'Out-of-state physician' means a physician who is not licensed in the State of Georgia,
20 is a physician of record for a transferring student, and is licensed as a physician in the
21 state in which such transferring student resided immediately prior to enrolling in a
22 Georgia public elementary or secondary school.

23 (3) 'Required medical form' means any form which is required by state law, State Board
24 of Education rule, or Department of Public Health rule to be executed by a licensed
25 physician and is to be used for determining a student's immunization history; evaluating
26 a student for special education or related services or hospital homebound services;
27 implementing a student's Individualized Education Program (IEP), Section 504 plan,
28 diabetes medical management plan, or seizure action plan; or administering medication
29 or providing school nursing services. Such term shall mean and include any medical
30 record executed by a transferring student's out-of-state physician which substantially
31 satisfies the requirements of a required medical form.

32 (4) 'Transferring student' means a student who resided in a state outside of Georgia
33 immediately prior to enrolling in an elementary or secondary public school in this state.

34 (b) For a period not to exceed 180 days following the date of the initial enrollment of a
35 transfer student in a Georgia public elementary or secondary school, any required medical
36 form duly executed by the transfer student's out-of-state physician shall be provisionally
37 accepted by such public school and shall be deemed to temporarily satisfy the requirements
38 for such required medical form; provided, however, that such required medical form was
39 executed by the transferring student's out-of-state physician 180 or fewer days prior to such
40 transfer student's initial enrollment in a Georgia public elementary or secondary school;
41 and, provided, further, that this subsection shall not apply to or be deemed to satisfy any
42 state law, State Board of Education rule, Department of Public Health rule, or athletic

43 association rule for purposes of determining a student's eligibility to participate in
44 interscholastic athletic activities or similar events.
45 (c) The State Board of Education and the Department of Public Health shall establish
46 rules, regulations, and procedures to implement this Code section."

47 **SECTION 2.**

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