

House Bill 855 (AS PASSED HOUSE AND SENATE)

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 adopt rules, regulations, and protocols for the immediate and deliberate assessment of
4 whether exposure to trauma has adversely impacted a foster care student's educational
5 performance; to require the Department of Education to provide guidance to local school
6 systems; to require local school systems to immediately and deliberately assess newly
7 enrolled foster care students; to provide for legislative findings; to provide for definitions;
8 to provide for an effective date; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "20-2-152.2.

16 (a) The General Assembly finds that foster care students are particularly vulnerable to
17 exposure to traumatic events and situations. The General Assembly also finds that a foster
18 care student's exposure to trauma can be exacerbated by changing schools, particularly
19 when the student may be eligible for special education and related services. Therefore, it
20 is the intent of the General Assembly that a protocol be developed for use by each school
21 that receives state funds under this article to immediately and deliberately assess foster care
22 students upon their enrollment at a new school and determine whether exposure to trauma
23 has had or is likely to have an adverse impact on the foster care student's educational
24 performance, including both academics and classroom behavior.

25 (b) As used in this Code section, the term:

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

29 (2) 'Trauma' means exposure of a foster care student, as a witness or direct participant,
30 to one or more traumatic events or traumatic situations.

31 (c) No later than August 1, 2021, the State Board of Education shall adopt any rules,
32 regulations, and protocols necessary for use by public school personnel to immediately and
33 deliberately assess whether exposure to trauma has had or is likely to have an adverse
34 impact on the foster care student's educational performance, including both academics and
35 classroom behavior. Such rules, regulations, and protocols shall also provide that the
36 impact of trauma shall be considered at the appropriate time among the relevant criteria
37 considered by school personnel to determine the eligibility of foster care students for
38 special education and related services as provided for in Code Section 20-2-152. Further,
39 the Department of Education shall provide guidance to local school systems regarding
40 trauma, the impacts of trauma on students, including, but not limited to, foster care
41 students, and procedures for the immediate and deliberate assessment of newly enrolled
42 foster care students.

43 (d) Upon the enrollment of a foster care student, a local school system shall immediately
44 and deliberately assess whether exposure to trauma has had or is likely to have an adverse
45 impact on the foster care student's educational performance, including both academics and
46 classroom behavior. The local school system's assessment shall be part of its overall
47 determination of whether the initial evaluation process for determining eligibility for
48 special education and related services should be commenced for such foster care student."

49 **SECTION 2.**

50 This Act shall become effective on July 1, 2021.

51 **SECTION 3.**

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