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May 15, 2018

2018 Session Wrap-Up

May 8 was the final day for Gov. Nathan Deal to sign or veto legislation passed during the 2018 session. Bills passed by the General Assembly that weren't signed or vetoed automatically became new laws that will go into effect upon a date stipulated in each bill, or on July 1 if a date isn't specified in the bill. Because 2018 was the second year of a two-year session, bills that weren't passed by the General Assembly this session are dead and not eligible for passage in 2019.

Deal **vetoed 21 bills** and signed legislation focused on adoption reform, distracted driving, education, and child welfare issues.

Adoption Reform

HB 159 (Rep. Bert Reeves, 34th), the comprehensive adoption reform legislation filed in 2017 passed early in the 2018 session. The bill didn't pass during last year's session after the Senate added language allowing state-funded private agencies to decline to place children with same-sex parents. The Senate amended HB 159 and removed that language earlier this session, but added new language from **HB 359** (Rep. Barry Fleming, 121st) allowing a parent to temporarily delegate caregiving authority to an individual through power of attorney. The House then amended the bill once more to address concerns expressed by Deal about language from HB 359, and the Senate agreed to the compromise version of HB 159.

Deal signed the bill during the legislative session on March 3. In a **press release**, Deal stated, "This new law will benefit the thousands of children, from newborns to foster children, who are in need of a loving and permanent home." The bill will become effective Sept. 1.

Distracted Driving

HB 673 (Rep. John Carson, 46th), the distracted driving bill, was one of the most talked about bills of the session. Opponents expressed concerns about government overreach. However, the bill had strong support from law enforcement and highway safety officials and an endorsement from Deal.

In the final version of the bill, prohibited activities include:

- holding or supporting a cell phone;
- writing, sending, or reading text messages or emails;
- reaching for a device if no longer in a seated, driving position or restrained by a seatbelt; and
- watching or recording a video.

Actions allowed by the bill are:

- speaking or texting while using hands-free technology;
- using a GPS system or mapping app;
- using an earpiece to talk on the phone;
- and handling a cell phone to report a traffic accident, medical emergency, or hazardous road condition.

Education

Education issues were a top priority for legislators this session, and Deal signed two bills that received overwhelming support.

HB 740 (Rep. Randy Nix, 69th) prohibits students in preschool through third grade from being suspended from school for more than five days without first being entered into the **Response to Intervention** program, a four-tier model for identifying and addressing students' academic and behavioral needs. The bill will become effective July 1.

HB 763, also authored by Nix, modifies existing Georgia law regarding school safety plans to require schools to coordinate with local law enforcement agencies and local juvenile court systems. The bill also expands the duties of student attendance protocol committees to include reviewing and making policy recommendations regarding school climate to promote positive gains in student achievement scores and student and teacher morale, while decreasing student suspensions, dropouts, and other negative aspects of the school environment. This bill will also become effective July 1.

Child Welfare

Content from two child welfare bills—**HB 927** (Rep. Chad Nimmer, 178th) and **HB 972** (Rep. Wendell Willard, 51st)—were ultimately included in a third bill, **HB 906** (Rep. Katie Dempsey, 13th), which the General Assembly passed and Deal signed.

HB 927 requires the Division of Family and Children Services (DFCS) to provide certain information to a caregiver, foster parent, pre-adoptive parent, or relative no later than 30 days after placement of a child. The required information includes the child's most recent physical and dental exams; any available information on the child's known medical conditions and medications; and recommendations from the child's most recent developmental assessment, trauma assessment, and psychological evaluation. HB 927 passed the House, but the Senate replaced the original language with language from another bill. Because the House didn't agree to the Senate's changes, HB 927 didn't pass.

HB 972 allows DFCS to offer extended care youth services to foster youth between the ages of 18 – 21, and amends current law to require a transition plan be completed for every foster child in the 90-day period prior to him or her turning 18. Both the House and Senate passed HB 972, but it failed to receive final passage by Crossover Day.

HB 906 prohibits public disclosure of personal information of DFCS foster parents or former foster parents if included in a public record. A House-Senate conference committee added the contents of HB 927 and HB 972. Both chambers approved the conference committee's version, and Deal signed the bill.

The section of HB 906 that addresses confidentiality for foster parents became effective upon the governor's signature on May 8. The section of the bill that requires information be provided to foster or pre-adoptive parents will become effective July 1. The section of the bill that addresses extended care for foster youth between the ages of 18 – 21 will become effective July 1, 2020.

Budget

Deal signed the [FY19 budget](#) with no line-item vetoes.

Legislation

Here are the bills and resolutions tracked by Georgia Family Connection Partnership (GaFCP) during the 2018 session that the General Assembly passed and the governor signed or vetoed. For a comprehensive list of bills tracked by GaFCP this session, visit the [Legislation](#) page.



HEALTHY CHILDREN

HB 844 (Rep. Penny Houston, 170th) expands the membership of the Georgia Commission on Hearing Impaired and Deaf Persons and creates a statewide coordinated longitudinal data management system for all children who are deaf or hard of hearing.

Status: The House passed the bill on Feb. 28, and the Senate passed it on March 15. The bill became effective upon the governor's signature on May 8.

SB 118 (Sen. Renee Unterman, 45th), known as Ava's Law, increases the age for health insurance coverage for individuals with autism spectrum disorder from 6 – 12 and establishes a yearly cap of \$30,000 for coverage of applied behavior analysis treatment.

Status: The Senate passed the bill on Feb. 8. The bill was amended by the House Insurance Committee to specify that coverage is for applied behavior analysis treatment, raise the age for coverage from age 6 to 20, and set a yearly cap of \$35,000. Treatment will be covered when determined by the insurance company to be medically necessary. The Senate agreed to the House's changes. Deal signed the bill, and it will become effective on Jan. 1, 2019.



CHILDREN SUCCEEDING IN SCHOOL

HB 740 (Rep. Randy Nix, 69th) prohibits schools from suspending students in preschool through third grade for more than five days without first receiving a multi-tiered system of supports such as the Response to Intervention program, a four-tier model for identifying and addressing students' academic and behavioral needs. There will be no prohibition from suspension if the student possessed a weapon or illegal

drugs, or if the behavior endangered the safety of other students or school personnel. If a student has an Individualized Education Program (IEP), the school will also convene an IEP meeting to review appropriate supports being provided prior to assigning suspension for more than five days.

Status: The House passed the bill on Feb. 14. The Senate passed the bill by substitute, adding language that the school will comply with all federal laws and requirements regarding obtaining parental consent during the multi-tiered support process and prior to certain screenings or evaluations. Deal signed the bill, and it will become effective July 1.

HB 763 (Rep. Randy Nix, 69th) expands the duties of the student attendance protocol committees to include reviewing and making policy recommendations regarding school climate to promote positive gains in student achievement scores and student and teacher morale while decreasing student suspensions, dropouts, and other negative aspects of the school environment. An amendment adopted by the Senate Education and Youth Committee added language enhancing comprehensive school safety plans.

Status: The House passed the bill on Feb. 15, and the Senate passed the bill by substitute on March 23. The names of the committees were changed to student attendance and school climate committees, and the meeting schedule changed from quarterly to twice annually. Language from **SB 457** (Sen. Horacena Tate, 38th) was also added, requiring all public and private schools to conduct drills on school safety plans based upon guidance from the Georgia Emergency Management and Homeland Security Agency. Public schools may request funding assistance from the state for safety improvements including safety equipment, though schools will be required to match state funding with local funds unless the school can demonstrate a substantial hardship. The House agreed to the Senate's changes. Deal signed the bill, and it will become effective July 1.

HB 852 (Rep. Michael Smith, 41st) allows a student to remain enrolled in a public school through the end of the school year after the student moves to a different attendance zone unless the student has chronic disciplinary or attendance problems.

Status: The House and Senate passed the bill. Deal signed it, and it will become effective July 1.

HR 1017 (Rep. John Corbett, 174th) and a companion resolution, **SR 714** (Sen. Jenn Jordan, 6th), urge schools, local educational agencies, and the Georgia Department of Education to address the educational impact of dyslexia.

Status of HR 1017: The House adopted the resolution on March 9, and it required no further action to become effective.

Status of SR 714: The Senate adopted the resolution on Feb. 7, and it required no further action to become effective.

SB 362 (Sen. Lindsey Tippins, 37th) provides for the establishment of an innovative assessment pilot program in up to 10 school systems. The bill seeks to deliver real-time feedback on student performance during the school year when problems can still be addressed.

Status: The Senate and House passed the bill. Deal signed it, and it will become effective July 1.

SB 401 (Sen. Lindsey Tippins, 37th) requires consideration of students' individual graduation plans during eighth grade when scheduling courses in ninth grade, and expands the role of school counselors to include career-oriented aptitude and career-interest guidance. The bill also directs the Georgia Department of Education to review each school counselor's role, workload, and program service delivery in grades 6 – 12 and to provide a report to the State Board of Education and General Assembly by Dec. 31.

Status: The Senate passed an amended version of the bill, which requires all postsecondary institutions with dual-enrollment students to provide enrollment and student record data to the Governor's Office of Student Achievement. The House amended the bill to include language from **HB 762** (Rep. Wes Cantrell,

22nd) that amends Professional Standards Commission certification renewal for teachers and other school personnel to allow participation in or presentation at in-service training on sexual abuse and assault awareness prevention. Deal signed the bill on May 8, and it will become effective July 1.

SB 405 (Sen. Fran Millar, 40th) provides for grants of \$1,500 per semester to low-income students enrolled in a University System of Georgia institution. The students must meet one of three criteria: earned SAT scores of at least 480 on reading and 530 on math; passed an end-of-pathway assessment under the Carl Perkins Vocational and Technical Education Act; or completed a work-based learning experience.

Status: The Senate passed the bill, but the House didn't. However, language directing the Georgia Student Finance Authority to establish a needs-based program for eligible postsecondary students, subject to funds being added to the budget, was added to **HB 787** (Rep. Scott Hilton, 95th), which deals with charter schools. The House and Senate both passed HB 787, and Deal signed it on May 7. The bill will become effective July 1.

SR 761 (Sen. Fran Millar, 40th) creates the Senate Study Committee on Dyslexia. Two related resolutions—**HR 1017** (Rep. John Corbett, 174th) and **SR 714** (Sen. Jennifer Jordan, 6th)—urge schools, local educational agencies, and the Georgia Department of Education to address the educational impact of dyslexia.

Status of HR 1017: The House adopted the resolution on March 9, and it required no further action to become effective.

Status of SR 714: The Senate adopted the resolution on Feb. 7, and it required no further action to become effective.

Status of SR 761: The Senate adopted the resolution creating the committee on March 27, and it required no further action to become effective.



STABLE, SELF-SUFFICIENT, PRODUCTIVE FAMILIES

HB 927 (Rep. Chad Nimmer, 178th) requires the Division of Family and Children Services to provide certain information to a caregiver, foster parent, pre-adoptive parent, or relative no later than 30 days after placement of a child. This information includes the child's most recent physical and dental exams; any available information on the child's known medical conditions and medications; and recommendations from the child's most recent developmental assessment, trauma assessment, and psychological evaluation.

Status: The House passed the bill, but the Senate Health and Human Services Committee replaced the original language from HB 927 with language from **SB 351** (Sen. Renee Unterman, 45th), which expands some authority for advanced practice nurses. Language from HB 927 was added to **HB 906** (Rep. Katie Dempsey, 13th), which prohibits public disclosure of personal information of foster parents or former foster parents if included in a public record. The General Assembly passed HB 906 with the additions from HB 927. Deal signed it, and it will become effective July 1.

SB 131 (Sen. Blake Tillery, 19th) requires adoption proceedings to be stayed while a termination of parental rights appeal is pending.

Status: The bill was introduced in 2017 and assigned to the Senate Judiciary Committee. The Senate passed the bill on Jan. 30. The House amended the bill to add language regarding termination of parental rights to allow consideration of whether it's in the child's best interest to delay integration into a stable and permanent home environment and the effect of a lack of a stable environment on the child's safety, well-

being, and physical and emotional health. The Senate agreed to the House changes. Deal signed the bill, and it will become effective July 1.



HB 494 (Rep. Katie Dempsey, 13th) allows for hearsay evidence to be admitted in preliminary hearings on emergency closures of early care and learning programs, revises the definition of “crime” for purposes of background checks, and provides that background checks aren’t valid if an individual has been separated from employment for more than 180 days from an early care and education program. The definition of background checks is also expanded to require a more comprehensive records check.

Status: The bill was introduced in 2017, and the House passed it on Feb. 28. The Senate passed the bill, and it was signed by Deal. It will become effective July 1.

HB 513 (Rep. Pam Dickerson, 113th) requires the Department of Community Health to develop a sign to be posted at all medical facilities to inform the public that such facilities are authorized locations to leave a newborn child.

Status: The bill was introduced in 2017, and the House passed it on Feb. 28. The Senate passed a substitute version requiring the Department of Health and Human Services to develop standards for signs to be posted at any medical facility and fire or police station to inform the general public that the facility is an authorized location to leave a newborn child. The House agreed to the Senate changes. Deal signed the bill, and it will become effective July 1.

HB 673 (Rep. John Carson, 46th) requires drivers to use hands-free technology with wireless communication devices while operating a motor vehicle.

Status: The House and Senate passed the bill. Deal signed the bill, and it will become effective July 1.

HB 732 (Rep. Deborah Silcox, 52nd) expands the scope of the law that criminalizes sex trafficking to include the act of patronizing an individual for sexually explicit conduct. **SB 335** (Sen. Renee Unterman, 45th) is a companion bill introduced in the Senate.

Status of HB 732: The House and Senate passed the bill. Deal signed the bill, and it will become effective July 1.

Status of SB 335: The Senate passed the bill on Feb. 28. The House Judiciary Non-Civil Committee passed a substitute version of the bill on March 21, which includes language from **HB 1006** (Rep. Ed Setzler, 35th). HB 1006 addresses sexual assault by a person with supervisory or disciplinary authority. The House didn’t pass the bill.

HB 762 (Rep. Wes Cantrell, 22nd) provides for age-appropriate sexual abuse and assault awareness and prevention education in grades K – 9.

Status: Although HB 762 didn’t pass, language from the bill was added to **SB 401** (Sen. Lindsey Tippins, 37th), which requires consideration of students’ individual graduation plans during eighth grade when scheduling courses in ninth grade, and expands the role of school counselors to include career-oriented aptitude and career-interest guidance. Language from HB 762 was added to SB 401 that amends Professional Standards Commission certification renewal for teachers and other school personnel to allow participation in or presentation at in-service training on sexual abuse and assault awareness prevention. The bill will become effective July 1.

HB 769 (Rep. Rick Jasperse, 11th) implements recommendations from the House Rural Development Council relating to health care. It creates the Rural Center for Health Care Innovation and Sustainability within the Department of Community Health. It will be housed at a postsecondary institution in Georgia and serve as a central repository for collection and dissemination of health data from state health agencies. The center will use data to determine rural health care needs. The bill allows and defines micro-hospitals, which would have between two to seven beds and provide 24-hour services in counties with fewer than 50,000 residents. The bill was amended by adding language from the original **HB 827** (Rep. Trey Kelley, 16th) increasing the value of the rural hospital organization tax credit.

Status: The House and Senate passed the bill, and Deal signed it. The first section, which addresses pharmacists licensed in this state but working from a remote location, will become effective Jan. 1, 2019. The rest of the bill will go into effect on July 1.

HB 918 (Rep. Chuck Efstoration, 104th) addresses the state tax code and state revenue projections in response to federal tax reform legislation that Congress passed late last year.

Status: The House passed the bill on Feb. 22. The Senate passed an amended version on March 1, and the House agreed to the Senate's changes the same day. Deal signed the bill on March 2. There are multiple effective dates for different sections of the bill.

HB 920 (Rep. Katie Dempsey, 13th) creates a limited exception to the confidentiality of adoption records, allowing the Division of Family and Children Services to share with the Office of the Child Advocate information concerning an adopted child when the child dies, suffers a near fatality, or is an alleged victim of child abuse or neglect.

Status: The House and Senate passed the bill. Deal signed it, and it will become effective July 1.

HB 972 (Rep. Wendell Willard, 51st) allows the Division of Family and Children Services (DFCS) to offer extended care youth services to foster youth between the ages of 18 – 21, and amends current law to require a transition plan be completed for every foster child in the 90-day period prior to him or her turning 18.

Status: The House passed the bill, and the Senate Health and Human Services Committee added language requiring that a child sign a voluntary placement agreement with DFCS in order to receive extended care youth services. Language from **HB 927** (Rep. Chad Nimmer, 178th) was also added to the bill requiring DFCS to provide certain information to a caregiver, foster parent, pre-adoptive parent, or relative no later than 30 days after placement of a child. The House didn't agree to the Senate changes, so HB 972 didn't pass. Language from the bill was added to **HB 906** (Rep. Katie Dempsey, 13th), which protects the privacy of foster parents. The House and Senate did pass HB 906 with the added language. Deal signed the bill, and it will become effective July 1, 2020.

HR 1414 (Rep. Rick Jasperse, 11th) creates the House Study Committee on School Security.

Status: The House Special Rules Committee passed the resolution on March 14, and the House adopted it on March 19. No further action is required.

SB 357 (Sen. Dean Burke, 11th), "The Health Act," forms a Health Coordination and Innovation Council of the State of Georgia; establishes a Health System Innovation Center; and creates the position of director of health care policy and strategic planning who reports directly to the governor. The bill establishes the center as a research organization that will utilize Georgia's academic, public health policy, data, and workforce resources to develop new approaches for financing and delivering health care.

Status: The Senate passed the bill and the House passed a substitute version on March 15. The House version creates the Health Coordination and Innovation Council, but doesn't include language creating the

Health System Innovation Center. The Senate agreed to the House changes and the bill passed. Deal **vetoed the bill** (veto statement #21) on May 8.