

House Bill 535

By: Representative Thomas of the 65th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for the issuance of a card to each student who is a certified unaccompanied homeless
3 youth that includes information on the rights of and benefits for such youth; to repeal
4 provisions relating to in-state tuition for homeless youth attending postsecondary institutions;
5 to provide for the waiver of tuition and fees for certified unaccompanied homeless youth at
6 institutions of the University System of Georgia and the Technical College System of
7 Georgia; to amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating
8 to vital records, so as to provide for the waiver of fees for birth certificates for certified
9 unaccompanied homeless youth; to amend Article 1 of Chapter 5 of Title 40 of the Official
10 Code of Georgia Annotated, relating to general provisions regarding drivers' licenses, so as
11 to provide for the waiver of fees for the issuance of driver's licenses, instruction permits, or
12 personal identification cards for certified unaccompanied homeless youth; to amend Chapter
13 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection
14 for children and youth, so as to provide for certifying unaccompanied homeless youth who
15 meet certain criteria; to provide for rights of certified unaccompanied homeless youth; to
16 provide for collaboration between secondary and postsecondary educational systems to
17 address the need for a comprehensive support structure in education for certified
18 unaccompanied homeless youth; to provide for a program to pay for the costs of driver

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19 education, licensure and costs incidental to licensure, and motor vehicle insurance for
20 certified unaccompanied homeless youth; to provide for definitions; to provide for related
21 matters; to provide for a short title; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 This Act shall be known and may be cited as the "Georgia Youth Homelessness Act."

25 **SECTION 2.**

26 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
27 adding a new subpart to Part 1 of Article 16 of Chapter 2, relating to school attendance of
28 students in elementary and secondary education, to read as follows:

29 "Subpart 4

30 20-2-725.

31 (a) The local board of education shall provide a card to each student who is an
32 unaccompanied homeless youth certified under Code Section 49-5-181 that includes
33 information on the rights of and benefits for such youth, as well as the contact information
34 for the local school system's liaison for homeless children and youth.

35 (b) The card shall include the following information:

36 (1) The front of the card shall include the information on the standardized form
37 developed by the Division of Family and Children Services of the Department of Human
38 Services pursuant to Code Section 49-5-181, including:

39 (A) The circumstances that qualify the youth;

40 (B) The date the youth was certified; and

41 (C) The name, title, and signature of the certifying individual; and

42 (2) The back of the card shall include the following statement:

43 'O.C.G.A. Section 49-5-181 provides that this certified youth may consent to medical
 44 care; dental care; behavioral healthcare services, including psychological counseling
 45 and treatment, psychiatric treatment, and substance abuse prevention and treatment
 46 services; and surgical diagnosis and treatment, including preventive care and care by
 47 a healthcare facility licensed by the state and any forensic medical examination for the
 48 purpose of investigating any felony offense under state law, whether for himself or
 49 herself or for his or her child, if the certified youth is unmarried, is the parent of the
 50 child, and has actual custody of the child.'

51 **SECTION 3.**

52 Said title is further amended by revising paragraph (4) of subsection (a) and subsection (d)
 53 of Code Section 20-3-66, relating to the determination of in-state resident status of students
 54 for tuition or fees relative to postsecondary education, as follows:

55 ~~"(4) 'Student from a homeless situation' means an individual United States citizen who:~~

56 ~~(A)(i) Has graduated from a Georgia high school or an equivalent high school in~~
 57 ~~another state; or~~

58 ~~(ii) Has received a HiSET or state approved high school equivalency (HSE) diploma~~
 59 ~~awarded by the Technical College System of Georgia or the equivalent from another~~
 60 ~~state; and~~

61 ~~(B)(i) Is under the age of 24;~~

62 ~~(ii) Currently lacks, or during the previous academic year lacked, a fixed, regular, and~~
 63 ~~adequate nighttime residence as described under the McKinney-Vento Homeless~~

64 ~~Assistance Act, codified at 42 U.S.C. Section 11301, et seq., as of January 1, 2021;~~

65 ~~and~~

66 ~~(iii) Has evidence of such status as provided for in division (ii) of this subparagraph~~
67 ~~from:~~

68 ~~(I) A local educational agency homeless liaison, as provided for under the~~
69 ~~McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301,~~
70 ~~et seq., as of January 1, 2021;~~

71 ~~(II) The director, or his or her designee, of an emergency or transitional shelter,~~
72 ~~street outreach program, homeless youth drop-in center, or other such program~~
73 ~~serving homeless youth or families;~~

74 ~~(III) The director, or his or her designee, of a program funded under Part A of Title~~
75 ~~IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as of~~
76 ~~January 1, 2021;~~

77 ~~(IV) The state or tribal organization that administers a state plan under Part B or E~~
78 ~~of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as~~
79 ~~of January 1, 2021;~~

80 ~~(V) Staff of a university accredited under the laws of this state; or~~

81 ~~(VI) Such other similar professional, as deemed appropriate by the postsecondary~~
82 ~~educational institution;~~

83 ~~provided, however, that the term 'student from a homeless situation' shall not mean an~~
84 ~~individual who is or for any period within the last 12 consecutive months has been~~
85 ~~incarcerated in any correctional institution, detention center, jail, or other similar facility~~
86 ~~after having been convicted of a crime."~~

87 ~~"(d) Any student from a homeless situation shall be classified as in-state for tuition~~
88 ~~purposes. Upon the classification of any such student as in-state for tuition purposes, such~~
89 ~~student shall maintain such classification until the earlier occurrence of the completion of~~
90 ~~a baccalaureate degree or ten years. Reserved."~~

SECTION 4.

Said title is further amended by adding a new Code section to Article 12 of Chapter 3, relating to postsecondary education grants for foster and adopted children, as follows:

"20-3-661.

(a) It is the policy of the General Assembly that the resources of this state should be committed to support benefits and positive outcomes for homeless youth. A postsecondary education can benefit these youth, many of whom come from places of great disadvantage; however, too few have been able to realize the benefit. Therefore, the General Assembly establishes this waiver program to support as many of these youth as possible in realizing the benefits of postsecondary education.

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

(1) 'Certified unaccompanied homeless youth' means an individual certified as an unaccompanied homeless youth pursuant to Code Section 49-5-181.

(2) 'Public postsecondary educational institution' means any unit of the University System of Georgia or the Technical College System of Georgia.

(3) 'Waiver program' or 'program' means the program provided for in this Code section.

(c) Tuition and all fees, including, but not limited to, any fees, costs, or charges relating to customary housing, meal, or room and board programs, for any undergraduate program of any public postsecondary educational institution shall be waived as provided for in this Code section for any certified unaccompanied homeless youth who meets the following requirements:

(1) The student is currently enrolled full-time or part-time in a public postsecondary educational institution or, within three years of receiving his or her high school diploma or state approved high school equivalency (HSE) diploma, the student has been accepted for admission to a public postsecondary educational institution;

116 (2) The student remains in good standing and meets the standard for satisfactory
117 academic progress as defined by the public postsecondary educational institution and as
118 applied to undergraduate students generally;

119 (3) The student has not reached the age of 28 years;

120 (4) The student completes a simplified application process established by the Division
121 of Family and Children Services, which shall include completion of the Free Application
122 for Federal Student Aid (FAFSA) to determine the level of need and eligibility for state
123 and federal financial aid programs; provided, however, that a student who is
124 presumptively eligible to participate in the waiver program shall be permitted to
125 provisionally participate in the waiver program for a period of up to 30 days pending the
126 student's completion of the application process; and

127 (5) The student is a United States citizen or a permanent resident alien who meets the
128 definition of an eligible noncitizen under federal Title IV requirements.

129 (d) For each student who meets the requirements provided for in subsection (c) of this
130 Code section, such student's public postsecondary educational institution shall waive tuition
131 and all fees as necessary to cover all assessed costs of attendance, as defined in 20 U.S.C.
132 Section 1087ll, that are not covered by all available federal and nonfederal student aid
133 sources identified in the student's Student Aid Report from the United States Department
134 of Education excepting student loans and any work-study program provided for in
135 42 U.S.C. 2751-2756b.

136 (e) For each certified unaccompanied homeless youth, the Technical College System of
137 Georgia shall provide for the waiver of all tuition and fees necessary to cover the full costs
138 for such individual to obtain a state approved high school equivalency (HSE) diploma,
139 provided that such costs are limited to HSE preparation courses provided by the Technical
140 College System of Georgia and HSE tests facilitated by the Technical College System of
141 Georgia.

142 (f) The Division of Family and Children Services of the Department of Human Services
143 shall:

144 (1) Advertise the availability of the waiver program and ensure that certified
145 unaccompanied homeless youth and any other applicable resources are informed of the
146 availability of the waiver program and the related application procedures;

147 (2) Provide application forms to participate in the waiver program to certified
148 unaccompanied homeless youth;

149 (3) Provide assistance to students attempting to complete the application process;

150 (4) Report the number of students participating in the waiver program on October 1 of
151 each year to the Office of Planning and Budget and the Office of the Child Advocate;

152 (5) Report nonidentifying data on graduation rates of students participating in the waiver
153 program by November 30 each year to the Office of Planning and Budget and the Office
154 of the Child Advocate; and

155 (6) Promulgate such rules and regulations as may be required to carry out the provisions
156 of this Code section.

157 (g) The Board of Regents of the University System of Georgia and the State Board of the
158 Technical College System of Georgia shall adopt policies creating an expedited and
159 simplified process to work in collaboration with the Division of Family and Children
160 Services and to enroll eligible students with a simplified process involving minimal
161 paperwork.

162 (h) Nothing in this Code section shall be construed to:

163 (1) Guarantee acceptance of or entrance into any public postsecondary educational
164 institution for any certified unaccompanied homeless youth;

165 (2) Limit the participation of a student who is a certified unaccompanied homeless youth
166 in any other program of financial assistance for postsecondary education;

167 (3) Restrict any public postsecondary educational institution or the Division of Family
168 and Children Services from accessing other sources of financial assistance, except loans,

169 that may be available to a certified unaccompanied homeless youth who meets the
170 eligibility requirements of the waiver program; or
171 (4) Provide access to a public benefit, as such term is defined in Code Section 50-36-1,
172 for individuals except as permitted by state and federal law."

173 **SECTION 5.**

174 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
175 is amended by adding a new subsection to Code Section 31-10-27, relating to fees for copies
176 or services, to read as follows:

177 "(d) The department shall waive all fees required pursuant to this Code section for a
178 certified copy of a birth certificate for an unaccompanied homeless youth certified under
179 Code Section 49-5-181 or an individual who is, or was at the time he or she reached
180 18 years of age, in the care or custody of the foster care system under the Division of
181 Family and Children Services of the Department of Human Services."

182 **SECTION 6.**

183 Article 1 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
184 general provisions regarding drivers' licenses, is amended by adding a new Code section to
185 read as follows:

186 "40-5-11.
187 An unaccompanied homeless youth certified under Code Section 49-5-181 shall be exempt
188 from the payment of any fee for the issuance of a driver's license, instruction permit, or
189 personal identification card pursuant to this chapter."

190 **SECTION 7.**

191 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and
192 protection for children and youth, is amended by revising Article 8, which is reserved, as
193 follows:

194 "ARTICLE 8

195 49-5-180.

196 As used in this article, the term:

197 (1) 'Division' means the Division of Family and Children Services of the Department of
198 Human Services.

199 (2) 'Unaccompanied homeless youth' means an individual who is 16 years of age or older
200 and is not in the physical custody of a parent or guardian, including a youth who has run
201 away from home, who has been forced to leave his or her home, or whose parents have
202 left the area and abandoned the youth. Reserved.

203 49-5-181.

204 (a) An unaccompanied homeless youth may become certified as such by the division if he
205 or she is:

206 (1) Found by a local school system's liaison for homeless children and youth to be an
207 unaccompanied homeless youth eligible for services pursuant to the McKinney-Vento
208 Homeless Assistance Act, U.S.C. Section 11301, et seq.; or

209 (2) Believed to qualify as an unaccompanied homeless youth, as such term is defined in
210 the McKinney-Vento Homeless Assistance Act, by:

211 (A) The director, or his or her designee, of an emergency or transitional shelter, street
212 outreach program, homeless youth drop-in center, or other such program serving
213 homeless youth or families; or

214 (B) A continuum of care group designated by the division which is organized to
215 coordinate, plan, and pursue programs addressing homelessness in a designated area,
216 which may include nonprofit organizations, victim service providers, faith based
217 organizations, governments, businesses, advocates, public housing agencies, local
218 school systems, social service providers, behavioral health providers, hospitals,
219 universities, affordable housing developers, law enforcement, organizations that serve
220 homeless and formerly homeless veterans, or organizations that serve homeless and
221 formerly homeless persons.

222 (b) The division shall develop a standardized form that shall be used by the entities
223 described in subsection (a) of this Code section to certify qualifying unaccompanied
224 homeless youth. The front of the form shall include the circumstances that qualify the
225 youth; the date the youth was certified; and the name, title, and signature of the certifying
226 individual. The text of this Code section shall be reproduced in its entirety on the back of
227 the form.

228 (c) A certified unaccompanied homeless youth may use the completed form to:

229 (1) Apply at no charge for a driver's license, instruction permit, or personal identification
230 card issued by the Department of Driver Services pursuant to Code Section 40-5-11; and

231 (2) Receive a certified copy of his or her birth certificate at no charge pursuant to Code
232 Section 31-10-27.

233 (d) A healthcare provider may accept the completed form or the card issued pursuant to
234 Code Section 20-2-725 as proof of the minor's status as a certified unaccompanied
235 homeless youth and may keep a copy of the form or card in the youth's medical file.

236 (e) A certified unaccompanied homeless youth may consent to medical care; dental care;
237 behavioral healthcare services, including psychological counseling and treatment,
238 psychiatric treatment, and substance abuse prevention and treatment services; and surgical
239 diagnosis and treatment, including preventive care and care by a healthcare facility licensed
240 by the state and any forensic medical examination for the purpose of investigating any

241 felony offense under state law, whether for himself or herself or for his or her child, if the
242 certified youth is unmarried, is the parent of the child, and has actual custody of the child.

243 49-5-182.

244 (a) The division shall collaborate with the University System of Georgia, the Technical
245 College System of Georgia, and the Department of Education to address the need for a
246 comprehensive support structure in the academic arena to assist children and young adults
247 who have been or remain in the foster care system in making the transition from a
248 structured care system into independent living.

249 (b) Each University System of Georgia or Technical College System of Georgia institution
250 for which a certified unaccompanied homeless youth has tuition and fees waived pursuant
251 to Code Section 20-3-661 shall have, at a minimum, a knowledgeable, accessible, and
252 responsive employee who acts as a liaison and provides assistance to such students to assist
253 in resolving any problems related to such waiver. The liaisons shall provide such students
254 with on-campus support. The name and contact information of the liaisons shall be:

255 (1) Provided to each student for whom tuition and fees are waived pursuant to Code
256 Section 20-3-661 and who is attending that institution;

257 (2) Published on the website of the institution; and

258 (3) Provided to the department.

259 (c) Each University System of Georgia or Technical College System of Georgia institution
260 shall maintain the original documentation submitted by a student regarding his or her
261 waiver of tuition and fees pursuant to Code Section 20-3-661 and may not make additional
262 requests for such documentation.

263 (d) A University System of Georgia or Technical College System of Georgia institution
264 may also provide campus coaching services and other support to a student who has a
265 waiver of tuition and fees pursuant to Code Section 20-3-661 to promote his or her
266 successful completion of postsecondary education and transition to independent living.

267 (e) The University System of Georgia and Technical College System of Georgia shall
268 report annually to the department specific data, subject to privacy laws, about the students
269 served by the campus liaisons, including academic progress, retention rates for students
270 enrolled in the program under Code Section 20-3-661, financial aid requested and received,
271 and information required by the National Youth in Transition Database administered under
272 the United States Department of Health and Human Services.

273 49-5-183.

274 (a) To the extent that funding is available, the division shall establish a program to pay for
275 the costs of driver education, licensure and costs incidental to licensure, and motor vehicle
276 insurance for a child who is certified as an unaccompanied homeless youth under Code
277 Section 49-5-181 and is a citizen of the United States or legal resident of this state.

278 (b) Payment shall be made to eligible recipients in the order of eligibility until available
279 funds are exhausted. If a child determined to be eligible reaches permanency status or
280 turns 18 years of age, the program may pay for that child to complete a driver education
281 program and obtain a driver's license for up to six months after the date the child reaches
282 permanency status or six months after the date the child turns 18 years of age. A child who
283 is certified as an unaccompanied homeless youth under Code Section 49-5-181 may be
284 eligible to have the costs of licensure and costs and incidental to licensure paid if he or she
285 demonstrates that such costs are creating barriers to obtaining employment or completing
286 educational goals, if the child is:

287 (1) Completing secondary education;

288 (2) Employed at least part time;

289 (3) Attending a public postsecondary educational institution at least part time; or

290 (4) Has a disability that precludes full-time employment or education.

291 (c) The division shall be authorized to contract with a nonprofit organization that provides
292 support to youth aging out of foster care to develop procedures for operating and
293 administering the program, including, but not limited to:
294 (1) Determining eligibility, including responsibilities for the youth and caregivers;
295 (2) Developing application and payment forms;
296 (3) Notifying eligible youth, caregivers, group homes, residential programs, local
297 educational agency liaisons for homeless children and youth, and governmental or
298 nonprofit agencies that provide services to homeless children or youth of the program;
299 (4) Providing technical assistance to lead agencies, providers, group homes, and
300 residential programs to remove obstacles that prevent youth in foster care from driving;
301 and
302 (5) Publicizing the program, engaging in outreach, and providing incentives to youth to
303 participate in the program so as to encourage the greatest number of eligible youth to
304 obtain driver's licenses."

305 **SECTION 8.**

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