



Voices' Top Ten Issues for Kids and Families from the 2020 Legislative Session

Each year, Voices for Georgia's Children follows approximately 250 separate pieces of child-relevant Georgia legislation, as well as an array of federal issues, bills and acts. What follows is our distillation of our state's 2020 legislative session – what we like to call *Voices' Top Ten Issues for Kids and Families from the 2020 Legislative Session*.

1. Budget-COVID-Budget

Without a doubt, state appropriations – clearly affected by tsunami-sized ripples of the COVID-19 pandemic – won this session's contest for "Most Critical Policy Issue for Every Georgian (including kids)." In case you didn't know, Voices usually spends quite a bit of effort and time on budgetary analysis and advocacy, but this year we spent *even more*, and along with our (very awesome) advocacy partners, and in spite of countless cuts to programs, we were nevertheless able to help secure a number of important and strategic wins for kids, scattered throughout this document.

FY2020 Amended The rapidly changing economy ultimately resulted in passage of the Fiscal year 2020 Amended budget (AFY20), gaining the chambers' approval right before Crossover Day and just prior to the COVID-related suspension of the legislative session. This budget included a 0.2 percent reduction (-\$59 million) from the FY 20 base for many sectors of state government. This included a \$100 million influx from the state Revenue Shortfall Reserve (RSR) in response to the sudden onslaught of COVID-19, as well as an infusion of \$255 million from the K-12 mid-year adjustment reserve. Most education line items and Medicaid costs were exempt from cuts, and general fund dollars found in eliminating things such as administrative telephone landlines, vacant agency positions and travel helped minimize programmatic impact for the remainder of that fiscal year. Considering initial expectations for the AFY20 included a full 4 percent cut (\$200 million) which looked like it was going to really hurt child-serving programs and agencies, the maneuverings of the Executive and Legislative branches to preserve most agency monies was a win.

FY2021 The FY2021 budget bill, on the other hand, started the session reflecting a 6 percent reduction from the FY20 base, excluding most education and transportation funding as well as Medicaid. As revenue estimates evolved, over five-plus months from the start of session (January 13) to the Sine Die (June 26), the final reduction grew to a full 7.8 percent of the entire budget – involving cuts to over 3000 line items. State employee furloughs were avoided, but not the elimination of a number of unfilled positions in areas such as the Division of Family and Children Services and the Department of Juvenile Justice. Obviously, pay raises of any sort were not considered, and in fact, the chambers passed legislation (SB 416), to reduce their own salaries by 10 percent and that of the lieutenant governor by 14 percent, totaling about \$400,000.

Believe it or not, things would have been even worse had the governor not drawn \$250 million from the RSR and the federal government not responded to the pandemic with COVID-19-driven stimulus to the tune of \$4.21 billion and an increased federal match for Medicaid spending, resulting in a

state appropriation bill totaling \$25.9 billion. While these extra dollars allowed budget drafters to secure a number of strategic wins for kids and families (many of which were priorities of Voices as well), by no means did they fully answer state needs in mental and behavioral health, child protection or administration of public benefits, all of which are in extremely high demand in “normal” times, let alone now, with ramifications of the novel coronavirus and social unrest. For more highlights, see below.

2. Moms and Babies

Moms and babies had a good session. Lawmakers passed [HB 1114](#), which will allow Georgia to request a waiver from the federal government to extend Medicaid for Pregnant Women from the current 2 months postpartum to 6 months postpartum, and provide coverage for lactation care.¹ Many advocates would have preferred an extension to 12 months to better protect mothers, but taking into consideration budgetary challenges, a six month extension, which covers the most vulnerable part of that first dangerous year, was considered a win. While breastfeeding education and counseling for Medicaid recipients has been federally funded for many years, this legislation permits clinical care from Licensed Lactation Consultants, which has been missing from the maternal care spectrum. Lawmakers also passed [HB 1090](#), requiring employers to provide (to the extent possible) reasonable break time and a (non-restroom) location to an employee who needs to express breast milk.² In typical post-Crossover Day fashion, this bill also legislates emergency adjustments to unemployment insurance criteria and the power of the Labor Commissioner during a state-wide emergency - which could also help moms and babies, along with the rest of the state.

The budget-writers also ponied-up for maternal and infant health, adding \$19.7 million for the Medicaid for Pregnant Women extension and \$125,000 for lactation services in the FY21 budget. On top of that, they chose to preservation of maternal mortality dollars in the Georgia Department of Public Health, maternal mortality prevention grants for hospitals and the Center for Excellence on Maternal Mortality at Morehouse School of Medicine. Considering that Black women die at 2.7 times the rate of White women due to pregnancy-related causes, and Black infants are twice as likely to be born with low birthweight as White infants, these efforts are expected to help reduce disparities in health care access and health outcomes for Black moms and children.

3. Crucial Supports for Families

Perhaps one of the silver linings of the 2020 legislative session was the effort made by the General Assembly to shore up some of the various policies and dollars that help families get through day-to-day challenges. The most significant wins were budgetary, preserving all 84,500 slots in Georgia Pre-K as well as existing childcare subsidy dollars. New funding for two behavioral classroom support specialists to work with Georgia Pre-K teachers and one Infant and Early Childhood Mental Health Coordinator at the Department of Early Care and Learning will be key to successful engagement with our smallest learners. What’s more, (and after quite a scare!) the chambers preserved full funding (\$15 million) for the DFCS Afterschool Care Program, which provides resources to youth-serving organizations who serve families within low-to-moderate income in communities and the foster care

¹ Medicaid for Pregnant Women pays for medical care for pregnant and postpartum women who make up to 220% of the Federal Poverty Level (or \$37,928 for a family of two).

² Employers with fewer than fifty employees are not subject to the requirement if it imposes undue hardship.

system. Unfortunately, DBHDD Youth Clubhouses were cut by \$1.5 million. These clubhouses provide prevention services to high risk youth ages 12-17 to address risk factors they face in their communities or at home.

A myriad of other family-friendly and social-supports legislation emerged from the session as well: [SB 408](#) extends the law allowing employees to use existing sick leave for the care of an immediate family member to July 1, 2023. It also lengthens the period in which unemployment insurance benefits can be drawn to 26 weeks, allows workers to earn up to \$300 per week, and allows employers to create work sharing programs to keep employees in their jobs. [SB 104](#) repeals deadlines on tax exemptions for non-profit health centers, non-profit volunteer health clinics, and donations to food banks, and [SB 345](#) helps nonprofit organizations without a DPH-approved on-site kitchen to maintain free summer feeding programs for children by allowing meals to be prepared off-site in church or other kitchens that are approved. Unfortunately, housing legislation ([HB 1022](#)) which would have allowed a tenant 7-days to make amends before an eviction could be filed, failed to advance.

4. Discrimination

Perhaps the most historically significant work of the General Assembly this year was the passage of [HB 426](#), commonly known as “The Hate Crimes Bill”. This legislation allows enhanced criminal penalties for those proven to target their victims on the basis of race, gender, sexual orientation, sex, national origin, religion, or physical or mental disability. The bill’s passage coupled with recent protests on racial injustice and systemic racism have inspired what we hope will be deeper legislative explorations of some of the state’s troubling issues: [SR 1007](#) authored by Sen. Bill Cowsert creates the Senate Law Enforcement Reform Study Committee and [SR 959](#) by Senator Bruce Thompson creates the Senate Systemic Inequalities Study Committee. In addition, the House Judiciary Non-Civil Committee is already having hearings on possible changes to Georgia’s Citizen’s Arrest laws. While not commonly categorized as “children and family” issues, such conversations are a starting point for change. Recurring and frequent acts of violence and injustice born out of discrimination against people who are Black, Brown, LGBTQ, disabled, etc. directly impact Georgia’s children. When such behavior and beliefs are reinforced and even *condoned* by law, the implementation of law, or the lack thereof, our children – especially children who are Black, Brown and LGBTQ – are automatically and unfairly asked to proceed and succeed as if such rules and behavior were acceptable and just, despite the trauma, fear, hurt and barriers before them. Therefore, conversations and meaningful revisions of our laws, policies and practices such as the work happening above are imperative to achieve equity of opportunity and success for Black, Brown, and LGBTQ children and families, *especially*.

5. Smoking is Bad for Kids

This session saw no fewer than six bills on smoking and vaping. Many sought to raise the age for tobacco purchase, add excise taxes to tobacco or vaping products, or change requirements for the selling of smoking products. One bill, emerged from the fray: [SB 375](#). Like parts of many of the other bills, (HB 864, HB 809, HB 909 and SB 298), SB 375 prevents sale of tobacco or vaping products to anyone under 21 years of age. It stiffens penalties for underage use of such products, including revocation of a driver's license for certain conditions and imposes a 7 percent excise tax on vaping products. Unfortunately, however, the bill does not increase Georgia’s excise tax on tobacco products, which currently is \$1.45 lower than the national average. Data show that increasing

tobacco tax has been shown to deter youth smoking. Also disconcerting to anti-smoking advocates is the passage of SB 144, which allows a licensed tobacco dealer to apply for a special event tobacco permit for off-premise sales of cigars, cigarettes, or loose or smokeless tobacco for a special event or a temporary location, making such items more accessible at festivals and concerts. Nearly 9 out of 10 daily cigarette smokers first try cigarettes by age 18, and 99% first try smoking by age 26³.

6. Changes to Education

With all the conversation happening now around how to open schools, when to open schools, and if schools should open at all, it is perhaps difficult to remember that other significant K-12 policy work happened during the 2020 session. In fact, legislators passed bills eliminating certain end of course tests (SB 367), limiting enrollment in Georgia's Dual Enrollment program (HB 444), beefing up school financial transparency and effectively eliminating the Chief Turnaround Office (CTO) (SB 68), originally established under the Deal administration to address struggling schools. Looking forward, SR 87 creates the Senate Study Committee on Digital Education and Screen Time in Georgia Public Schools, which will no doubt find extraordinary relevance in this current moment in history.

Budget-wise, K-12 education remains the largest single state expense at more than 44 percent of Georgia's spending, a full \$9.6 billion for FY21. The novel coronavirus economy inspired cuts to the Quality Basic Education (QBE) formula and corresponding grants to the tune of \$950.2 million and reduced supports for children with disabilities by more than \$10 million. While severe, cuts were mitigated by savings found in elimination of the CTO and untaken Milestones tests (because of early school closures), as well as a hefty (\$457 million) influx of federal CARES Act stimulus to the GaDOE. Nevertheless, as COVID-19 surges and schools struggle to fulfill their mission, more dollars are needed not just to provide education, but to continue the work towards guaranteed educational equity for Black and Brown children as well as those in economically struggling school districts.

7. Court-Involved Children and Youth

Once again, bills were passed with sights on penalizing those who exploit kids and incentivizing those who want to help them. Legislation passed permanently disqualifying human traffickers from operating a commercial motor vehicle (HB 823), including photoshopped/simulated images and videos in definitions of electronic, sexually explicit harassment (SB 337) and creating the offenses of improper sexual contact by a foster parent (HB 911).

On the practical side of things, some meaningful and much needed process changes were addressed. SB 435 allows an individual to request that his/her conviction and sentence be set aside if the offense was committed as a direct result of the defendant being the victim of a trafficking offense. HB 993 eliminates Georgia's child abuse registry, which has proven to be expensive, appeals-heavy, and ineffective at actually preventing child abuse. SB 439 makes it easier for foster parents, pre-adoptive, and relative caregivers to participate the court's consideration of a child's placement, care, well-being, and permanency. HB 912 encourages foster parent participation with easier access to short-term babysitting and training criteria based on experience and the needs of the child. This bill also prioritizes certain dependency cases over all other civil and criminal hearings in order to minimize trauma to children and families caused by drawn out proceedings.

³ https://www.cdc.gov/tobacco/data_statistics/sgr/50th-anniversary/index.htm

8. Two Failed Bills

This section is not about passed legislation, but rather about the importance of much debated, yet failed legislation and its ramifications for children and youth. Two such bills centered around Georgia's justice system. A bill Voices strongly supported, HB 440, would have raised the age of Georgia's juvenile court jurisdiction to encompass non-violent 17-year-olds. Another bill, HB 994, would have expanded the definition of "Criminal Gang Activity" and essentially codified criteria the Department of Juvenile Justice already follows when serving youth convicted of such who are able to remain in DJJ care (as opposed to those adjudicated as adults). Voices was supportive of the DJJ-advised provisions, yet remained in strong opposition to the other less restorative and more punitive provisions, which we believe would reverse many successes of Georgia's nation-leading criminal justice reform of the past ten years. Despite failure to advance this year, these issues are likely to return, and with them, an array of conversations about child and adolescent brain development⁴, systemic and institutionalized racism, and priorities of the public safety and criminal justice systems.

Unfortunately, Georgia remains one of only three states who treat 17-year-olds as adults in the criminal justice system, denying these youth the restorative care and services found in the juvenile justice system, therefore increasing the odds that they will recidivate and go deeper into the adult criminal justice system as they grow older. Factors such as the over-policing of Black neighborhoods, inequitable school disciplinary practices and systemic barriers to adequate housing, employment and education all contribute to the disproportionate contact Black youth have with the criminal justice system. In fact, in Georgia, Black youth are arrested at roughly three times the rate of their White peers, despite the fact that they comprise about 10% less of the population than White children and youth.

In spite of failure to pass anti-gang legislation, the General Assembly nevertheless appropriated \$884,818 in new funding for the GBI to develop a gang database and establish a gang taskforce to assist local law enforcement agencies in identifying and investigating alleged gang members. Without strict and data driven criteria for these initiatives, such efforts have the potential to worsen disproportionality in our criminal justice system, as flawed processes can further promote perceptive and systemic biases about Black and Brown children, youth, and adults. On the bright side, the chambers did restore monies for extremely successful evidence-based therapies for youth in the juvenile justice system.

9. Health Access

Transportation, adequate health care workforce and cost are generally considered the three largest obstacles to care for kids and families, and the onslaught of COVID-19 highlighted these barriers. Fortunately, a LARGE number of bills were in the works when COVID hit and managed to pass,

⁴ Current scientific research shows that the executive function of an individual's brain does not reach maturity until the early to mid-twenties, meaning that teenagers are likely to be less risk averse and more responsive to peer pressure and reward while their brains are still developing - and will be so well past the age of 16.

providing strategic change, and a glimmer of hope for improved service access, process and consumer-friendly policies.

Bills targeting access to health care professionals from elsewhere came in the forms of [HB 521](#) allowing dentists licensed in other states to provide dental care to indigent populations here; [SB 306](#) allowing speech-language pathologists and audiologists from other states to practice here; and [HB 914](#) allowing military spouses with certain licenses from other states to obtain a license by endorsement to practice here. [SB 321](#) also passed, increasing the number of off-site physician's assistants a physician can supervise, and allowing Advance Practice Registered Nurses to authorize radiological tests. On top of all of that, a slew of bills (way too many to name here!) passed requiring increased healthcare provider and payer transparency, cost containment and accountability for insurers, providers, care management organizations and pharmacy benefits managers.

The FY21 budget was a mixed bag of wins and losses in terms of health appropriations for kids. Wins were protection of funds for county health departments, autism services, rural hospitals and pediatric Medicaid reimbursements. Funds were increased to accommodate 100 more waivers for services and supports for children with disabilities and, for the first time in recent memory – *maybe ever* – state dollars were added to start a school-based health center (in Irwin County).

Losses were tough, especially in the category of child and adolescent mental health. Funds were significantly reduced for: Georgia Apex (which provides school-based mental health services), youth crisis stabilization facilities, crisis respite for families, and mental health wraparound supports -- leaving the safety net for struggling youth weakened.

10. Educating, Convening, Engaging Stakeholders by Voices and GSAN

Voices and GSAN had one of the most productive (and prolific!) sessions ever. In addition to our usual amazing policy, research, coalition, and convening work in the off-season, and to our [COVID-Response and Recovery](#) work, we took it to a whole new level during the Legislative Session! Check out everything we did to advocate for Georgia's children:

- Voices' Legislative Session Preview [GA-CALL](#) panel forum
- Release and distribution of [All About Kids](#), Voices/GSAN's 2020 Fact Book
- Voices' [Legislative Reception](#)
- GSAN Afterschool Day at the Capitol
- [Pre-K Week Launch](#)
- Voices' letter to the House and Senate Appropriations Chairmen re: the 2021 budget
- Child and Adolescent Health Coalition COVID-19 policy letter to Governor Kemp
- [Mask creation](#) and distribution to the Georgia Legislature in partnership with the Alliance Theater Costume Shop
- Weekly [2 Minute Takes](#) video session updates
- Weekly written [Legislative Updates](#)
- Weekly Closed Door GA-CALL Meetings at the Capitol and online
- Weekly (12 in all) [When I Was a Kid](#) videos about lawmakers' childhoods