

House Bill 406

By: Representatives Buckner of the 82<sup>nd</sup>, Barnes of the 84<sup>th</sup>, Post 2, Dodson of the 84<sup>th</sup>, Post 1 and Hill of the 81<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of  
2 Georgia Annotated, the compulsory school attendance law, so as to change the penalties  
3 applicable to a parent, guardian, or other person having control of a child who fails to enroll  
4 and send such child to school; to provide that attendance at a public school includes attending  
5 certain classes prescribed to improve the performance of a student; to provide for related  
6 matters; to provide for an effective date and for applicability; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
11 Annotated, the compulsory school attendance law, is amended by striking Code Section  
12 20-2-690.1, relating to mandatory education, and inserting in its place a new Code section  
13 to read as follows:

14 "20-2-690.1.

15 (a) As used in this Code section, the term 'public school' includes summer school, Saturday  
16 classes, or other classes as prescribed by the local school system for the purpose of  
17 improving the performance of a student who has not been performing at his or her grade  
18 level.

19 (b) Every parent, guardian, or other person residing within this state having control or  
20 charge of any child or children between their ~~sixth~~ seventh and sixteenth birthdays shall  
21 enroll and send such child or children to a public school, a private school, or a home study  
22 program that meets the requirements for a public school, a private school, or a home study  
23 program; and such child shall be responsible for enrolling in and attending a public school,  
24 a private school, or a home study program that meets the requirements for a public school,  
25 a private school, or a home study program under such penalty for noncompliance with this  
26 subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and

1 attend is caused by the child's parent, guardian, or other person, in which case the parent,  
 2 guardian, or other person alone shall be responsible; provided, however, that tests and  
 3 physical exams for military service and the National Guard and such other approved  
 4 absences shall be excused absences. The requirements of this subsection shall apply to a  
 5 child between his or her seventh and sixteenth birthdays who has been assigned by a local  
 6 board of education or its delegate to attend an alternative public school program established  
 7 by that local board of education, including an alternative public school program provided  
 8 for in Code Section 20-2-154.1, regardless of whether such child has been suspended or  
 9 expelled from another public school program by that local board of education or its  
 10 delegate, and to the parent, guardian, or other person residing in this state who has control  
 11 or charge of such child. Nothing in this Code section shall be construed to require a local  
 12 board of education or its delegate to assign a child to attend an alternative public school  
 13 program rather than suspending or expelling the child.

14 ~~(b)~~(c) Any parent, guardian, or other person residing in this state who has control or charge  
 15 of a child or children and who shall violate this Code section shall be guilty of a  
 16 ~~misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$100.00~~  
 17 ~~or imprisonment not to exceed 30 days, or both, at the discretion of the court having~~  
 18 ~~jurisdiction~~ the offense of endangering a child's education. For a first conviction under this  
 19 Code section, the court may require counseling, treatment, and community service. For  
 20 conviction of a second offense under this Code section, the court shall require counseling  
 21 and community service and shall impose a fine not to exceed \$300.00. Upon a third or  
 22 subsequent conviction under this Code section, the defendant shall be punished for a  
 23 misdemeanor of a high and aggravated nature. In determining whether an offense  
 24 constitutes a second or subsequent offense, all prior offenses by the same individual shall  
 25 be considered, regardless of whether a prior offense related to the same child. Each day's  
 26 absence from school in violation of this part shall constitute a separate offense.

27 ~~(e)~~(d) Local school superintendents in the case of private schools or home study programs  
 28 and visiting teachers and attendance officers in the case of public schools shall have  
 29 authority and it shall be their duty to file proceedings in court to enforce this subpart."

## 30 SECTION 2.

31 This Act shall become effective July 1, 2003, and shall apply with respect to offenses  
 32 committed on or after that effective date. Prior offenses shall continue to be governed by  
 33 prior law.

## 34 SECTION 3.

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