

The House Committee on Education offers the following substitute to HB 395:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to enact the "Truancy Reduction Act"; to conform  
3 a provision in the mandatory school attendance law to other provisions; to change penalties  
4 for truancy; to provide for written summaries of penalties and consequences of truancy; to  
5 provide for school attendance protocols and their contents, purpose, and dissemination; to  
6 provide for school attendance protocol committees and their membership and duties; to  
7 provide for designation of school social workers as attendance officers; to change the  
8 authority of attendance officers; to provide that peace officers assigned to schools shall have  
9 the authority of attendance officers; to provide for effective dates; to repeal conflicting laws;  
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 This Act shall be known and may be cited as the "Truancy Reduction Act."

14 style="text-align:center">**SECTION 2.**

15 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
16 secondary education, is amended in Code Section 20-2-690.1, relating to mandatory  
17 education for children, by striking subsections (a) and (b) and inserting in lieu thereof the  
18 following:

19 "(a) 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

1 subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and  
 2 attend is caused by the child's parent, guardian, or other person, in which case the parent,  
 3 guardian, or other person alone shall be responsible; provided, however, that tests and  
 4 physical exams for military service and the National Guard and such other approved  
 5 absences shall be excused absences. The requirements of this subsection shall apply to a  
 6 child between his or her seventh and sixteenth birthdays who has been assigned by a local  
 7 board of education or its delegate to attend an alternative public school program established  
 8 by that local board of education, including an alternative public school program provided  
 9 for in Code Section 20-2-154.1, regardless of whether such child has been suspended or  
 10 expelled from another public school program by that local board of education or its  
 11 delegate, and to the parent, guardian, or other person residing in this state who has control  
 12 or charge of such child. Nothing in this Code section shall be construed to require a local  
 13 board of education or its delegate to assign a child to attend an alternative public school  
 14 program rather than suspending or expelling the child.

15 (b) Any parent, guardian, or other person residing in this state who has control or charge  
 16 of a child or children and who shall violate this Code section shall be guilty of a  
 17 misdemeanor and, upon conviction thereof, shall be subject to a fine ~~not to exceed not less~~  
 18 than \$25.00 and not greater than \$100.00, ~~or~~ imprisonment not to exceed 30 days,  
 19 community service, or both any combination of such penalties, at the discretion of the court  
 20 having jurisdiction. Each day's absence from school in violation of this part after the  
 21 child's school system notifies the parent, guardian, or other person who has control or  
 22 charge of a child of two unexcused days of absence for a child shall constitute a separate  
 23 offense. Public schools shall provide to the parent, guardian, or other person having control  
 24 or charge of each child enrolled in public school a written summary of possible  
 25 consequences and penalties for truancy for children and their parents, guardians, or other  
 26 persons having control or charge of children. The parent, guardian, or other person who has  
 27 control or charge of a child or children shall sign a statement indicating receipt of such  
 28 written statement of possible consequences and penalties; children who are age ten or older  
 29 at the beginning of the school year or on the first day the child enrolls in or transfers to the  
 30 school shall sign a statement indicating receipt of such written statement of possible  
 31 consequences and penalties. Public schools shall retain signed copies of statements through  
 32 the end of the school year."

### 33 SECTION 3.

34 Said chapter is further amended by inserting a new Code section to be designated Code  
 35 Section 20-2-690.2 to read as follows:

1 "20-2-690.2.

2 (a) Each county shall establish a school attendance protocol as provided in this Code  
3 section.

4 (b) The chief judge of the superior court shall call the first meeting of the county school  
5 attendance protocol committee. The committee shall elect a chairperson and may elect  
6 other officers.

7 (c) Each of the following agencies, officials, or programs shall designate a representative  
8 to serve on the committee:

9 (1) The juvenile court judge or judges of the county;

10 (2) The district attorney for the county;

11 (3) The solicitor-general of state court, if the county has a state court;

12 (4) The Department of Juvenile Justice;

13 (5) The superintendent of each public school system in the county;

14 (6) The sheriff of the county;

15 (7) The chief of police of each municipality in the county;

16 (8) The county department of family and children services;

17 (9) The county board of health;

18 (10) The county mental health organization;

19 (11) The county Family Connection commission, board, or authority, or other county  
20 agency, board, authority, or commission having the duty and authority to study problems  
21 of families, children, and youth and provide services to families, children, and youth; and

22 (12) The court approved community based risk reduction program established by the  
23 juvenile court in accordance with Code Section 15-11-10, if such a program has been  
24 established.

25 (d) The school attendance protocol committee thus established may appoint such  
26 additional members as necessary and proper to accomplish the purposes of the committee.

27 (e) The committee shall, by August 1, 2004, adopt a written school attendance protocol for  
28 the county which shall be filed with the State Department of Education. The protocol shall  
29 outline in detail the procedures to be used in identifying cases of truancy and reporting,  
30 investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1,  
31 relating to mandatory school attendance. The protocol shall outline in detail methods for  
32 determining the causes of truancy and appropriately addressing the issue with truant  
33 children and their parents or guardians. The protocol shall include recommendations for  
34 policies relating to tardiness.

35 (f) A copy of the protocol shall be furnished to each agency, official, or program that has  
36 any responsibility in assisting children and their parents or guardians in complying with  
37 Code Section 20-2-690.1. The purpose of the protocol shall be ensuring coordination and

1 cooperation among officials, agencies, and programs involved in the issue of truancy to  
 2 reduce the number of unexcused absences from school and increase the percentage of  
 3 students present to take tests required by law.

4 (g) The committee shall write the summary of possible consequences and penalties for  
 5 truancy for children and their parents, guardians, or other persons who have control or  
 6 charge of children for distribution by schools. The summary of possible consequences for  
 7 children shall include possible dispositions for unruly children and possible denial or  
 8 suspension of a driver's license for a child in accordance with Code Section 40-5-22.

9 (h) The committee shall continue in existence after writing the school attendance protocol  
 10 and shall meet at least quarterly to evaluate compliance with the protocol, effectiveness of  
 11 the protocol, and appropriate modifications. The committee shall report truancy rates to  
 12 the State Board of Education each quarter of the school year."

#### 13 SECTION 4.

14 Said chapter is further amended by striking Code Section 20-2-695, relating to attendance  
 15 officers, and inserting in lieu thereof the following:

16 "20-2-695.

17 (a) A local board of education may employ an attendance officer or attendance officers in  
 18 addition to a visiting teacher or visiting teachers. Such an attendance officer must be paid  
 19 wholly from local funds of the local board unless state funds are specifically appropriated  
 20 for purposes of employment of attendance officers, in which case state funds may be used  
 21 to the extent so appropriated. Attendance officers shall not be required to qualify under  
 22 rules and regulations promulgated by the Professional Standards Commission for the  
 23 certification of visiting teachers.

24 (a.1) A local board of education or the principal of a public school may designate one or  
 25 more school social workers as an attendance officer or attendance officers. Such school  
 26 social workers designated as attendance officers shall have the duties and authority of  
 27 attendance officers defined in this subpart.

28 (b) The authority and duties of any attendance officer so appointed by a local board of  
 29 education shall include:

30 (1) The duty to cooperate with state agencies, make monthly reports to that officer's  
 31 school superintendent, and comply with state and local rules as provided in Code Section  
 32 20-2-696;

33 (2) The authority to receive cooperation and attendance reports from that officer's school  
 34 system as provided for in Code Section 20-2-697;

35 (3) ~~When specifically authorized by the appointing local board of education, the~~ The  
 36 authority to assume temporary custody of children absent from school for the purpose of

1 delivering the child to school or to the parent, guardian, or other person who has control  
 2 or charge of the child, or if the child has been adjudged delinquent or unruly, to the  
 3 probation officer of the county having jurisdiction over the child in the same manner as  
 4 authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any  
 5 attendance officer ~~so authorized by the appointing local board of education~~ shall, when  
 6 engaged in such function, have the same duties, authority, rights, privileges, and  
 7 immunities as applicable to a peace officer engaged in such function, provided that the  
 8 same shall not extend to the carrying of a weapon unless the attendance officer holds a  
 9 valid certification as a peace officer from the Georgia Peace Officer Standards and  
 10 Training Council;

11 (4) The duty to report children absent from school to the juvenile court or other court  
 12 having jurisdiction as provided for in Code Section 20-2-701; and

13 (5) Such other authority and duties as may be provided by law or as may be provided by  
 14 the appointing local board of education in conformity with law.

15 (c) Any peace officer assigned to a school on a full-time or part-time basis shall have the  
 16 authority of an attendance officer in addition to the authority of a peace officer."

#### 17 **SECTION 5.**

18 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become  
 19 effective on July 1, 2004.

20 (b) Section 3 of this Act shall become effective upon its approval by the Governor or upon  
 21 its becoming law without such approval.

#### 22 **SECTION 6.**

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