

House Bill 395 (COMMITTEE SUBSTITUTE)

By: Representatives Mosley of the 129th, Post 1, Smith of the 129th, Post 2, Williams of the 128th, Coleman of the 118th, Porter of the 119th, and others

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,

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

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

SECTION 3.

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

3 "20-2-690.2.

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

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

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

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

12 (2) The district attorney for the county;

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

14 (4) The Department of Juvenile Justice;

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

16 (6) The sheriff of the county;

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

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

19 (9) The county board of health;

20 (10) The county mental health organization;

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

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

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

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

1 (f) A copy of the protocol shall be furnished to each agency, official, or program that has
 2 any responsibility in assisting children and their parents or guardians in complying with
 3 Code Section 20-2-690.1. The purpose of the protocol shall be ensuring coordination and
 4 cooperation among officials, agencies, and programs involved in the issue of truancy to
 5 reduce the number of unexcused absences from school and increase the percentage of
 6 students present to take tests required by law.

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

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

16 SECTION 4.

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

19 "20-2-695.

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

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

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

- 33 (1) The duty to cooperate with state agencies, make monthly reports to that officer's
 34 school superintendent, and comply with state and local rules as provided in Code Section
 35 20-2-696;

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

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

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

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

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

21 SECTION 5.

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

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

26 SECTION 6.

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