

The Senate Education Committee offered the following substitute to HB 395:

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, relating to compulsory attendance, so as to change penalties for failure
3 to comply with compulsory attendance requirements; to provide for written summaries of
4 penalties and consequences of failure to comply with compulsory attendance requirements;
5 to provide for student attendance protocols and their contents, purpose, and dissemination;
6 to provide for student attendance protocol committees and their membership and duties; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 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, relating to compulsory attendance, is amended in Code Section 20-2-690.1,
12 relating to mandatory education for children, by striking subsection (b) and inserting in lieu
13 thereof the following:

14 "(b) 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~~ not less
17 than \$25.00 and not greater than \$100.00, or imprisonment not to exceed 30 days,
18 community service, or both any combination of such penalties, at the discretion of the court
19 having jurisdiction. Each day's absence from school in violation of this part after the
20 child's school system notifies the parent, guardian, or other person who has control or
21 charge of a child of five unexcused days of absence for a child shall constitute a separate
22 offense. The school system shall notify such parent, guardian, or other person via certified
23 mail, return receipt requested, when the child has five unexcused days of absence. Public
24 schools shall provide to the parent, guardian, or other person having control or charge of
25 each child enrolled in public school a written summary of possible consequences and
26 penalties for failing to comply with compulsory attendance under this Code section for

1 children and their parents, guardians, or other persons having control or charge of children,
 2 as provided in Code Section 20-2-690.2. The parent, guardian, or other person who has
 3 control or charge of a child or children shall sign a statement indicating receipt of such
 4 written statement of possible consequences and penalties; children who are age ten years
 5 or older by September 1 shall sign a statement indicating receipt of such written statement
 6 of possible consequences and penalties. After two reasonable attempts by the school to
 7 secure such signature or signatures, the school shall be considered to be in compliance with
 8 this subsection if it sends a copy of the statement, via certified mail, return receipt
 9 requested, to such parent, guardian, other person who has control or charge of a child, or
 10 child. Public schools shall retain signed copies of statements through the end of the school
 11 year."

12 SECTION 2.

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

15 "20-2-690.2.

16 (a) The chief judge of the superior court of each county shall establish a student attendance
 17 protocol committee for its county. The purpose of the committee shall be to ensure
 18 coordination and cooperation among officials, agencies, and programs involved in
 19 compulsory attendance issues, to reduce the number of unexcused absences from school,
 20 and to increase the percentage of students present to take tests which are required to be
 21 administered under the laws of this state. The chief judge is responsible for ensuring that
 22 all members of the committee are notified of their responsibility to the committee and shall
 23 call the first meeting of the committee in each county. The committee shall elect a
 24 chairperson and may elect other officers.

25 (b) Each local board of education shall participate in and implement the recommendations
 26 of the committee as provided in this Code section. Independent school systems may
 27 participate in the committee in the county in which its system resides. Independent school
 28 systems whose geographic area resides in more than one county may select one of the
 29 counties in which it resides in which to participate. An independent school system that
 30 elects not to participate in the committee of the county in which it resides shall request that
 31 the chief judge of the superior court of a county in which it resides establish an independent
 32 student attendance protocol committee in the same manner as established for such county.

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

- 35 (1) The chief judge of the superior court;
- 36 (2) The juvenile court judge or judges of the county;

- 1 (3) The district attorney for the county;
 - 2 (4) The solicitor-general of state court, if the county has a state court;
 - 3 (5) The Department of Juvenile Justice, which may include representatives from area
4 youth detention centers or regional youth detention centers;
 - 5 (6) The superintendent and at least one certificated personnel and at least one local
6 school board member from each public school system in the county and a school social
7 worker, if feasible;
 - 8 (7) The sheriff of the county;
 - 9 (8) The chief of police of the county police department;
 - 10 (9) The chief of police of each municipal police department in the county;
 - 11 (10) The county department of family and children services;
 - 12 (11) The county board of health;
 - 13 (12) The county mental health organization;
 - 14 (13) The county Family Connection commission, board, or authority, or other county
15 agency, board, authority, or commission having the duty and authority to study problems
16 of families, children, and youth and provide services to families, children, and youth; and
 - 17 (14) The court approved community based risk reduction program established by the
18 juvenile court in accordance with Code Section 15-11-10, if such a program has been
19 established.
- 20 (d) The committee thus established may appoint such additional members as necessary and
21 proper to accomplish the purposes of the committee.
- 22 (e) Each committee shall, by June 1, 2005, adopt a written student attendance protocol for
23 its county school system and for each independent school system within its geographic
24 boundaries which shall be filed with the Department of Education. The protocol shall
25 outline in detail the procedures to be used in identifying, reporting, investigating, and
26 prosecuting cases of alleged violations of Code Section 20-2-690.1, relating to mandatory
27 school attendance. The protocol shall outline in detail methods for determining the causes
28 of failing to comply with compulsory attendance and appropriately addressing the issue
29 with children and their parents or guardians. The protocol shall also include
30 recommendations for policies relating to tardiness. The Department of Education shall
31 provide model school attendance protocols, if requested by the committee.
- 32 (f) A copy of the protocol shall be furnished to each agency, official, or program within
33 the county that has any responsibility in assisting children and their parents or guardians
34 in complying with Code Section 20-2-690.1.
- 35 (g) The committee shall write the summary of possible consequences and penalties for
36 failing to comply with compulsory attendance under Code Section 20-2-690.1 for children
37 and their parents, guardians, or other persons who have control or charge of children for

1 distribution by schools in accordance with Code Section 20-2-690.1. The summary of
2 possible consequences for children shall include possible dispositions for unruly children
3 and possible denial or suspension of a driver's license for a child in accordance with Code
4 Section 40-5-22.

5 (h) The committee shall continue in existence after writing the student attendance protocol.
6 The chief judge of the superior court of each county shall ensure that the committee meets
7 at least quarterly during the first year, and twice annually thereafter, to evaluate compliance
8 with the protocol, effectiveness of the protocol, and appropriate modifications.

9 (i) Each local board of education shall report student attendance rates to the committee and
10 the State Board of Education at the end of each school year, according to a schedule
11 established by the State Board of Education."

12 SECTION 3.

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