

Senate Bill 413

By: Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Thomas of the 2nd, Fort of the 39th and others

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 certain provisions
3 relating to mandatory education for children between ages six and 16; to provide that an
4 unemancipated minor older than the age of mandatory attendance may not withdraw from
5 enrollment in school without the permission of his or her parent or guardian; to require parent
6 or guardian approval; to provide for a conference with the principal; to provide for local
7 board of education policies; to change certain provisions relating to the minimum annual
8 attendance required; to change certain provisions relating to exemptions from compulsory
9 attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
13 Annotated, the compulsory school attendance law, is amended by striking Code Section
14 20-2-690.1, relating to mandatory education for children between ages six and 16, and
15 inserting in lieu thereof the following:

16 "20-2-690.1.

17 (a) Mandatory attendance in a public school, private school, or home school program shall
18 be required for children between the ages of six and sixteen. Such mandatory attendance
19 shall not be required where the child has successfully completed all requirements for a high
20 school diploma.

21 ~~(a)~~(b) Every parent, guardian, or other person residing within this state having control or
22 charge of any child or children ~~between their sixth and sixteenth birthdays~~ during the ages
23 of mandatory attendance as required in subsection (a) of this Code section shall enroll and
24 send such child or children to a public school, a private school, or a home study program
25 that meets the requirements for a public school, a private school, or a home study program;
26 and such child shall be responsible for enrolling in and attending a public school, a private

1 school, or a home study program that meets the requirements for a public school, a private
2 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~~ during the ages of mandatory
9 attendance as required in subsection (a) of this Code section who has been assigned by a
10 local board of education or its delegate to attend an alternative public school program
11 established by that local board of education, including an alternative public school program
12 provided for in Code Section 20-2-154.1, regardless of whether such child has been
13 suspended or expelled from another public school program by that local board of education
14 or its delegate, and to the parent, guardian, or other person residing in this state who has
15 control or charge of such child. Nothing in this Code section shall be construed to require
16 a local board of education or its delegate to assign a child to attend an alternative public
17 school program rather than suspending or expelling the child.

18 ~~(b)~~(c) Any parent, guardian, or other person residing in this state who has control or charge
19 of a child or children and who shall violate this Code section shall be guilty of a
20 misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00
21 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or
22 any combination of such penalties, at the discretion of the court having jurisdiction. Each
23 day's absence from school in violation of this part after the child's school system notifies
24 the parent, guardian, or other person who has control or charge of a child of five unexcused
25 days of absence for a child shall constitute a separate offense. After two reasonable
26 attempts to notify the parent, guardian, or other person who has control or charge of a child
27 of five unexcused days of absence without response, the school system shall send a notice
28 to such parent, guardian, or other person by certified mail, return receipt requested. Public
29 schools shall provide to the parent, guardian, or other person having control or charge of
30 each child enrolled in public school a written summary of possible consequences and
31 penalties for failing to comply with compulsory attendance under this Code section for
32 children and their parents, guardians, or other persons having control or charge of children.
33 The parent, guardian, or other person who has control or charge of a child or children shall
34 sign a statement indicating receipt of such written statement of possible consequences and
35 penalties; children who are age ten years or older by September 1 shall sign a statement
36 indicating receipt of such written statement of possible consequences and penalties. After
37 two reasonable attempts by the school to secure such signature or signatures, the school

1 shall be considered to be in compliance with this subsection if it sends a copy of the
 2 statement, via certified mail, return receipt requested, to such parent, guardian, other person
 3 who has control or charge of a child, or children. Public schools shall retain signed copies
 4 of statements through the end of the school year.

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

8 (e) An unemancipated minor who is older than the age of mandatory attendance as
 9 required in subsection (a) of this Code section who wishes to withdraw from school shall
 10 have the written permission of his or her parent or legal guardian prior to withdrawing.
 11 Prior to accepting such permission, the school principal or designee shall convene a
 12 conference with the child and parent or legal guardian within two school days of receiving
 13 notice of the intent of the child to withdraw from school. The principal or designee shall
 14 share with the student and parent or guardian the consequences of not having earned a high
 15 school diploma including lower lifetime earnings, fewer jobs for which the student will be
 16 qualified, and the inability to avail oneself of higher educational opportunities. Every local
 17 board of education shall adopt a policy on the process of voluntary withdrawal of
 18 unemancipated minors who are older than the mandatory attendance age. The policy shall
 19 be filed with the Department of Education no later than January 1, 2007. The Department
 20 of Education shall provide annually to all principals of schools serving grades six through
 21 twelve model forms for the parent or guardian signature requirement contained in this
 22 subsection and updated information from reliable sources for the principal to use during
 23 the required conference with the child and parent or legal guardian."

24 SECTION 2.

25 Said subpart is further amended by striking Code Section 20-2-691, relating to minimum
 26 annual attendance required, and inserting in its place the following:

27 "20-2-691.

28 The minimum session of annual school attendance required under this subpart shall be for
 29 the full session or sessions of the school which the child is eligible to attend. Such
 30 attendance shall not be required where the child has successfully completed all
 31 requirements for a high school diploma grades."

32 SECTION 3.

33 Said subpart is further amended by striking Code Section 20-2-693, relating to exemptions
 34 to compulsory attendance, and inserting in its place the following:

1 "20-2-693.

2 (a) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory
3 attendance as required in subsection (a) of this Code section who are excused from
4 attendance in public school by county or independent school system boards in accordance
5 with general policies and regulations promulgated by the State Board of Education shall
6 be exempt from this subpart. The state board, in promulgating its general policies and
7 regulations, shall take into consideration sickness and other emergencies which may arise
8 in any school community.

9 (b) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory
10 attendance as required in subsection (a) of this Code section who are excused from
11 attendance at private schools or home study programs for sickness or emergencies or for
12 other reasons substantially the same as the reasons for excused absences from attendance
13 at public school authorized by state board policy pursuant to subsection (a) of this Code
14 section shall be exempt from this subpart."

15 **SECTION 4.**

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