

The Senate Education and Youth Committee offered the following substitute to SB 413:

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

11 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
12 Annotated, the compulsory school attendance law, is amended by striking Code Section  
13 20-2-690.1, relating to mandatory education for children between ages six and 16, and  
14 inserting in lieu thereof the following:  
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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 ages six through 15. Such mandatory attendance shall not be  
19 required where the child has successfully completed all requirements for a high school  
20 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 has not completed all requirements for  
 10 a high school diploma who wishes to withdraw from school shall have the written  
 11 permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting  
 12 such permission, the school principal or designee shall convene a conference with the child  
 13 and parent or legal guardian within two school days of receiving notice of the intent of the  
 14 child to withdraw from school. The principal or designee shall share with the student and  
 15 parent or guardian the opportunity to pursue a general educational development (GED)  
 16 diploma and the consequences of not having earned a high school diploma, including lower  
 17 lifetime earnings, fewer jobs for which the student will be qualified, and the inability to  
 18 avail oneself of higher educational opportunities. Every local board of education shall  
 19 adopt a policy on the process of voluntary withdrawal of unemancipated minors who are  
 20 older than the mandatory attendance age. The policy shall be filed with the Department of  
 21 Education no later than January 1, 2007. The Department of Education shall provide  
 22 annually to all local school superintendents model forms for the parent or guardian  
 23 signature requirement contained in this subsection and updated information from reliable  
 24 sources relating to the consequences of withdrawing from school without completing all  
 25 requirements for a high school diploma. Each local school superintendent shall provide  
 26 such forms and information to all of its principals of schools serving grades six through  
 27 twelve for the principals to use during the required conference with the child and parent or  
 28 legal guardian."

## 29 SECTION 2.

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

32 "20-2-691.

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

**SECTION 3.**

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

"20-2-693.

(a) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are excused from attendance in public school by county or independent school system boards in accordance with general policies and regulations promulgated by the State Board of Education shall be exempt from this subpart. The state board, in promulgating its general policies and regulations, shall take into consideration sickness and other emergencies which may arise in any school community.

(b) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are excused from attendance at private schools or home study programs for sickness or emergencies or for other reasons substantially the same as the reasons for excused absences from attendance at public school authorized by state board policy pursuant to subsection (a) of this Code section shall be exempt from this subpart."

**SECTION 4.**

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