

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

AS PASSED SENATE

**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; to amend Subpart 2 of Part 1 of Article 16 of Chapter
3 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance
4 law, so as to clarify certain provisions relating to mandatory education; to provide that an
5 unemancipated minor older than the age of mandatory attendance may not withdraw from
6 enrollment in school without the permission of his or her parent or guardian; to require parent
7 or guardian approval; to provide for a conference with the principal; to provide for local
8 board of education policies; to change certain provisions relating to the minimum annual
9 attendance required; to change certain provisions relating to exemptions from compulsory
10 attendance; to amend Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of
11 Georgia Annotated, relating to school attendance, so as to require written parental or legal
12 guardian permission for membership in a specific club or activity; to provide for adoption
13 of policies and procedures by local boards of education to provide information regarding
14 school sponsored clubs and extracurricular activities to parents and legal guardians; to
15 provide that local school systems shall comply with written notification from parents and
16 legal guardians withholding permission for participation; to require annual permission for
17 club membership and participation in activities; to amend Part 5 of Article 22 of Chapter 2
18 of Title 20 of the Official Code of Georgia Annotated, relating to school buses, so as to
19 provide for school bus pickup schedules; to provide for related matters; to repeal conflicting
20 laws; and for other purposes.

21 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

22 **SECTION 1.**

23 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
24 Annotated, the compulsory school attendance law, is amended by striking Code Section
25 20-2-690.1, relating to mandatory education for children between ages six and 16, and
26 inserting in lieu thereof the following:

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1 "20-2-690.1.

2 (a) Mandatory attendance in a public school, private school, or home school program shall
 3 be required for children ages six through 15. Such mandatory attendance shall not be
 4 required where the child has successfully completed all requirements for a high school
 5 diploma.

6 ~~(a)~~(b) Every parent, guardian, or other person residing within this state having control or
 7 charge of any child or children ~~between their sixth and sixteenth birthdays~~ during the ages
 8 of mandatory attendance as required in subsection (a) of this Code section shall enroll and
 9 send such child or children to a public school, a private school, or a home study program
 10 that meets the requirements for a public school, a private school, or a home study program;
 11 and such child shall be responsible for enrolling in and attending a public school, a private
 12 school, or a home study program that meets the requirements for a public school, a private
 13 school, or a home study program under such penalty for noncompliance with this
 14 subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and
 15 attend is caused by the child's parent, guardian, or other person, in which case the parent,
 16 guardian, or other person alone shall be responsible; provided, however, that tests and
 17 physical exams for military service and the National Guard and such other approved
 18 absences shall be excused absences. The requirements of this subsection shall apply to a
 19 child ~~between his or her seventh and sixteenth birthdays~~ during the ages of mandatory
 20 attendance as required in subsection (a) of this Code section who has been assigned by a
 21 local board of education or its delegate to attend an alternative public school program
 22 established by that local board of education, including an alternative public school program
 23 provided for in Code Section 20-2-154.1, regardless of whether such child has been
 24 suspended or expelled from another public school program by that local board of education
 25 or its delegate, and to the parent, guardian, or other person residing in this state who has
 26 control or charge of such child. Nothing in this Code section shall be construed to require
 27 a local board of education or its delegate to assign a child to attend an alternative public
 28 school program rather than suspending or expelling the child.

29 ~~(b)~~(c) Any parent, guardian, or other person residing in this state who has control or charge
 30 of a child or children and who shall violate this Code section shall be guilty of a
 31 misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00
 32 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or
 33 any combination of such penalties, at the discretion of the court having jurisdiction. Each
 34 day's absence from school in violation of this part after the child's school system notifies
 35 the parent, guardian, or other person who has control or charge of a child of five unexcused
 36 days of absence for a child shall constitute a separate offense. After two reasonable
 37 attempts to notify the parent, guardian, or other person who has control or charge of a child

1 of five unexcused days of absence without response, the school system shall send a notice
2 to such parent, guardian, or other person by certified mail, return receipt requested. Public
3 schools shall provide to the parent, guardian, or other person having control or charge of
4 each child enrolled in public school a written summary of possible consequences and
5 penalties for failing to comply with compulsory attendance under this Code section for
6 children and their parents, guardians, or other persons having control or charge of children.
7 The parent, guardian, or other person who has control or charge of a child or children shall
8 sign a statement indicating receipt of such written statement of possible consequences and
9 penalties; children who are age ten years or older by September 1 shall sign a statement
10 indicating receipt of such written statement of possible consequences and penalties. After
11 two reasonable attempts by the school to secure such signature or signatures, the school
12 shall be considered to be in compliance with this subsection if it sends a copy of the
13 statement, via certified mail, return receipt requested, to such parent, guardian, other person
14 who has control or charge of a child, or children. Public schools shall retain signed copies
15 of statements through the end of the school year.

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

19 (e) An unemancipated minor who is older than the age of mandatory attendance as
20 required in subsection (a) of this Code section who has not completed all requirements for
21 a high school diploma who wishes to withdraw from school shall have the written
22 permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting
23 such permission, the school principal or designee shall convene a conference with the child
24 and parent or legal guardian within two school days of receiving notice of the intent of the
25 child to withdraw from school. The principal or designee shall share with the student and
26 parent or guardian the opportunity to pursue a general educational development (GED)
27 diploma and the consequences of not having earned a high school diploma, including lower
28 lifetime earnings, fewer jobs for which the student will be qualified, and the inability to
29 avail oneself of higher educational opportunities. Every local board of education shall
30 adopt a policy on the process of voluntary withdrawal of unemancipated minors who are
31 older than the mandatory attendance age. The policy shall be filed with the Department of
32 Education no later than January 1, 2007. The Department of Education shall provide
33 annually to all local school superintendents model forms for the parent or guardian
34 signature requirement contained in this subsection and updated information from reliable
35 sources relating to the consequences of withdrawing from school without completing all
36 requirements for a high school diploma. Each local school superintendent shall provide
37 such forms and information to all of its principals of schools serving grades six through

1 twelve for the principals to use during the required conference with the child and parent or
 2 legal guardian."

3 SECTION 2.

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

6 "20-2-691.

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

11 SECTION 3.

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

14 "20-2-693.

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

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

28 SECTION 3.1.

29 Part 5 of Article 22 of Chapter 2 of Title 20, relating to school buses, is amended by striking
 30 Code Section 20-2-1127, relating to a schedule of school bus routes, in its entirety and
 31 inserting in place thereof the following:

32 "20-2-1127.

33 ~~Each public school system in this state shall make accessible a schedule of school bus~~
 34 ~~routes that indicate the morning pickup route beginning time and the afternoon school bell~~

1 ~~time as well as the total number of stops on each school bus route. The time for the bus~~
 2 ~~arrival at each stop will be commensurate with the route beginning time and prescribed~~
 3 ~~stop sequence, except in unforeseen circumstances. This provision shall not apply to~~
 4 ~~portal-to-portal special needs student transportation or special alternative instructional~~
 5 ~~transportation programs Reserved.”~~

6 **SECTION 4.**

7 Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 8 relating to school attendance, is amended by inserting a new subpart to be designated Subpart
 9 2A to read as follows:

10 "Subpart 2A

11 20-2-705.

12 (a) Each local board of education shall adopt policies and procedures for notifying parents
 13 or guardians of students regarding school sponsored clubs and extracurricular activities,
 14 and providing an opportunity for parents or guardians to withhold permission for a child
 15 to join designated clubs or participate in designated activities. An annual notification
 16 utilizing the student handbook or other appropriate method regarding school sponsored
 17 clubs shall include without limitation the name of the club, mission or purpose of the club,
 18 name of the club's faculty advisor, and a description of past or planned activities. A
 19 similar notification regarding extracurricular activities shall include without limitation the
 20 mission or purpose of the extracurricular activity, name of the faculty advisor, and a
 21 description of planned programs or actions. Each local school system shall comply with
 22 the written notification from a parent or guardian who has withheld permission for a child
 23 to join a club or participate in an activity, and shall not allow a child to join a club or
 24 participate in an activity in contravention of written notification from the child's parent or
 25 guardian forbidding such club or activity.

26 (b) All clubs, programs, or extracurricular activities occurring on school property or
 27 sponsored by schools, school staff, or students shall require written parental or legal
 28 guardian permission for membership in each specific club or activity.

29 (c) Beginning with the 2006-2007 school year, each local school system shall obtain
 30 written parental or legal guardian permission for a student to participate in or be a member
 31 of a school sponsored club or extracurricular activity. Each local school system shall
 32 obtain this permission at the beginning of each school year.”

33 **SECTION 5.**

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