

## COMMITTEE OF CONFERENCE SUBSTITUTE TO SB 413:

## 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 provide for information regarding  
 12 school sponsored clubs and extracurricular activities to be included in student codes of  
 13 conduct; to provide an opportunity for parents and legal guardians to decline permission for  
 14 participation; to provide that student codes of conduct encourage parents and guardians to  
 15 inform their children of the consequences of certain conduct; to provide for acknowledgment  
 16 of receipt of student codes of conduct; to amend Part 5 of Article 22 of Chapter 2 of Title 20  
 17 of the Official Code of Georgia Annotated, relating to school buses, so as to provide for  
 18 school bus pickup schedules; to provide for related matters; to repeal conflicting laws; and  
 19 for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

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

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 between their sixth and sixteenth birthdays. Such mandatory  
4 attendance shall not be required where the child has successfully completed all  
5 requirements for a high school 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 make a reasonable attempt  
26 to share with the student and parent or guardian the educational options available, including  
27 the opportunity to pursue a general educational development (GED) diploma and the  
28 consequences of not having earned a high school diploma, including lower lifetime  
29 earnings, fewer jobs for which the student will be qualified, and the inability to avail  
30 oneself of higher educational opportunities. Every local board of education shall adopt a  
31 policy on the process of voluntary withdrawal of unemancipated minors who are older than  
32 the mandatory attendance age. The policy shall be filed with the Department of Education  
33 no later than January 1, 2007. The Department of Education shall provide annually to all  
34 local school superintendents model forms for the parent or guardian signature requirement  
35 contained in this subsection and updated information from reliable sources relating to the  
36 consequences of withdrawing from school without completing all requirements for a high  
37 school diploma. Such form shall include information relating to the opportunity to pursue

1 a general educational development (GED) diploma and the consequences of not having  
 2 earned a high school diploma, including lower lifetime earnings, fewer jobs for which the  
 3 student will be qualified, and the inability to avail oneself of higher educational  
 4 opportunities. Each local school superintendent shall provide such forms and information  
 5 to all of its principals of schools serving grades six through twelve for the principals to use  
 6 during the required conference with the child and parent or legal guardian."

7 **SECTION 2.**

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

10 "20-2-691.

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

15 **SECTION 3.**

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

18 "20-2-693.

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

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

**SECTION 3.1.**

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

"20-2-1127.

~~Each public school system in this state shall make accessible a schedule of school bus routes that indicate the morning pickup route beginning time and the afternoon school bell time as well as the total number of stops on each school bus route. The time for the bus arrival at each stop will be commensurate with the route beginning time and prescribed stop sequence, except in unforeseen circumstances. This provision shall not apply to portal-to-portal special needs student transportation or special alternative instructional transportation programs~~ Reserved."

**SECTION 4.**

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

"Subpart 2A

20-2-705.

(a) As used in this Code section, the term:

(1) 'Clubs and organizations' means clubs and organizations comprised of students who wish to organize and meet for common goals, objectives, or purposes and which is directly under the sponsorship, direction, and control of the school. This term shall include any activities reasonably related to such clubs and organizations, but shall not include competitive interscholastic activities or events.

(2) 'Competitive interscholastic activity' means functions held under the auspices or sponsorship of a school that involves its students in competition between individuals or groups representing two or more schools. This term shall include cheerleading, band, and chorus.

(b) Each local board of education shall include in the student code of conduct distributed annually at the beginning of each school year pursuant to Code Section 20-2-736 information regarding school clubs and organizations. Such information shall include without limitation the name of the club or organization, mission or purpose of the club or organization, name of the club's or organization's faculty advisor, and a description of past or planned activities. On the form included in the student code of conduct, as required in Code Section 20-2-751.5, the local board of education shall provide an area for a parent or

1 legal guardian to decline permission for his or her student to participate in a club or  
2 organization designated by him or her.

3 (c) For clubs or organizations started during the school year, the local board of education  
4 shall require written permission from a parent or guardian prior to a student's  
5 participation."

#### 6 SECTION 5.

7 Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
8 relating to discipline of students, is amended in Code Section 20-2-735, relating to adoption  
9 of policies by local boards to improve student learning environment, by striking subsection  
10 (e) and inserting in lieu thereof the following:

11 "(e) Parental involvement processes developed pursuant to this subpart shall be designed  
12 to create the expectation that parents and guardians, teachers, and school administrators  
13 will work together to improve and enhance student behavior and academic performance  
14 and will communicate freely their concerns about and actions in response to student  
15 behavior that detracts from the learning environment. The student code of conduct  
16 developed pursuant to this Code section shall encourage parents and guardians to inform  
17 their children on the consequences, including potential criminal penalties, of underage  
18 sexual conduct and crimes for which a minor can be tried as an adult."

#### 19 SECTION 6.

20 Said part is further amended in Code Section 20-2-736, relating to student codes of conduct,  
21 distribution, disciplinary action for violations, and parental involvement, by striking  
22 subsection (a) and inserting in lieu thereof the following:

23 "(a) At the beginning of each school year, local local boards of education shall provide  
24 for the distribution of student codes of conduct developed pursuant to Code Section  
25 20-2-735 to each student upon enrollment. Local boards of education shall provide for the  
26 distribution of such student codes of conduct to the parents or guardians of each student  
27 through such means as may best accomplish such distribution at the local level and are  
28 appropriate in light of the grade level of the student, including distribution of student codes  
29 of conduct to students and parents or guardians jointly. Local boards of education ~~may~~  
30 shall solicit or require the signatures or confirmation of receipt of students and parents or  
31 guardians in acknowledgment of the receipt of such student codes of conduct, ~~as may be~~  
32 ~~suitable to the grade level of the student.~~ A signature or confirmation of receipt may be  
33 obtained in writing, via electronic mail or facsimile, or by any other electronic or other  
34 means as designated by the local board. A parent or legal guardian that does not  
35 acknowledge receipt of the student code of conduct shall not be absolved of any

1 responsibility with respect to the information contained in the student code of conduct. In  
 2 addition, student codes of conduct shall be available in each school and classroom."

3 **SECTION 7.**

4 Said part is further amended in Code Section 20-2-751.5, relating to student codes of  
 5 conduct, safety rules on school buses, and distribution, by striking subsection (e) and  
 6 inserting in lieu thereof the following:

7 "(e) Any student handbook which is prepared by a local board or school shall include a  
 8 copy ~~or summary~~ of the student code of conduct for that school or be accompanied by a  
 9 copy of the student code of conduct for that school as annually distributed pursuant to Code  
 10 Section 20-2-736. ~~If a student handbook contains a summary of the student code of~~  
 11 ~~conduct, then a full copy of the student code of conduct shall be made available for review~~  
 12 ~~at the school.~~ When distributing a student code of conduct, a local school shall include a  
 13 form ~~on which~~ for acknowledgment of the student's parent or guardian's receipt may  
 14 acknowledge of the code, and the local school shall ~~request~~ solicit or require that the form  
 15 be signed and returned to the school."

16 **SECTION 8.**

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