

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

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:

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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 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."

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.