

## HOUSE SUBSTITUTE TO SENATE BILL 239

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
 2 Annotated, relating to competencies and core curriculum for elementary and secondary  
 3 students under the "Quality Basic Education Act," so as to require an annual educational  
 4 program on the governing principles of the United States Constitution by all elementary and  
 5 secondary schools receiving state funds; to amend Part 1 of Article 16 of Chapter 2 of Title  
 6 20 of the Official Code of Georgia Annotated, relating to school attendance in elementary  
 7 and secondary education, so as to revise certain provisions relating to mandatory attendance;  
 8 to require new residents in a local school system to enroll a child within 15 days; to provide  
 9 for reporting violations of mandatory attendance requirements; to provide that a person who  
 10 fails to enroll a child is guilty of a misdemeanor; to provide for statutory construction; to  
 11 amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
 12 relating to the university system, so as to require an annual educational program on the  
 13 governing principles of the United States Constitution by all colleges and universities  
 14 receiving state funds; to provide for related matters; to repeal conflicting laws; and for other  
 15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 19 relating to competencies and core curriculum for elementary and secondary students under  
 20 the "Quality Basic Education Act," is amended by adding a new Code section to read as  
 21 follows:

22 "20-2-149.1.

23 (a) Each elementary and secondary school in this state which receives in any manner funds  
 24 from the state shall hold an educational program on the governing principles of the United  
 25 States Constitution on or around September 17 of each year for the students served by the  
 26 school.

27 (b) Compliance with Section 111(b) of Public Law 108-447 by an elementary or secondary  
 28 school shall be deemed to be compliance with this Code section."

29 **SECTION 2.**

30 Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 31 relating to school attendance in elementary and secondary education, is amended by revising  
 32 Code Section 20-2-690.1, relating to mandatory education for children, as follows:

33 "20-2-690.1.

34 (a) Mandatory attendance in a public school, private school, or home school program shall  
 35 be required for children between their sixth and sixteenth birthdays. Such mandatory  
 36 attendance shall not be required where the child has successfully completed all  
 37 requirements for a high school diploma. Any parent, guardian, or other person having  
 38 control or charge of any child or children subject to mandatory attendance pursuant to this  
 39 subsection who becomes a new resident of a local school system in this state shall, within  
 40 15 days of such new residency or by the start date of school if such new residency occurs  
 41 prior to such start date, enroll such child or children in a public school, a private school, or  
 42 a home study program that meets the requirements for a public school, a private school, or  
 43 a home study program. Failure to enroll such child or children within 15 days of such new  
 44 residency or the start date of school if such new residency occurs prior to such start date  
 45 shall constitute a violation of this Code section.

46 (b) Every parent, guardian, or other person residing within this state having control or  
 47 charge of any child or children during the ages of mandatory attendance as required in  
 48 subsection (a) of this Code section shall enroll and send such child or children to a public  
 49 school, a private school, or a home study program that meets the requirements for a public  
 50 school, a private school, or a home study program; and such child shall be responsible for  
 51 ~~enrolling in and~~ attending a public school, a private school, or a home study program that  
 52 meets the requirements for a public school, a private school, or a home study program  
 53 under such penalty for noncompliance with this subsection as is provided in Chapter 11 of  
 54 Title 15, unless the child's failure to enroll and attend is caused by the child's parent,  
 55 guardian, or other person, in which case the parent, guardian, or other person alone shall  
 56 be responsible; provided, however, that tests and physical exams for military service and  
 57 the National Guard and such other approved absences as provided for by law or by the  
 58 local board of education shall be excused absences. The requirements of this subsection  
 59 shall apply to a child during the ages of mandatory attendance as required in subsection (a)  
 60 of this Code section who has been assigned by a local board of education or its delegate to  
 61 attend an alternative public school program established by that local board of education,  
 62 including an alternative public school program provided for in Code Section 20-2-154.1,

63 regardless of whether such child has been suspended or expelled from another public  
 64 school program by that local board of education or its delegate, and to the parent, guardian,  
 65 or other person residing in this state who has control or charge of such child. Nothing in  
 66 this Code section shall be construed to require a local board of education or its delegate to  
 67 assign a child to attend an alternative public school program rather than suspending or  
 68 expelling the child.

69 ~~(c) Any parent, guardian, or other person residing in this state who has control or charge~~  
 70 ~~of a child or children and who shall violate this Code section shall be guilty of a~~  
 71 ~~misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00~~  
 72 ~~and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or~~  
 73 ~~any combination of such penalties, at the discretion of the court having jurisdiction. Each~~  
 74 ~~day's absence from school in violation of this part after the child's school system notifies~~  
 75 ~~the parent, guardian, or other person who has control or charge of a child of five unexcused~~  
 76 ~~days of absence for a child shall constitute a separate offense. After two reasonable~~  
 77 ~~attempts to notify the parent, guardian, or other person who has control or charge of a child~~  
 78 ~~of five unexcused days of absence without response, the school system shall send a notice~~  
 79 ~~to such parent, guardian, or other person by certified mail, return receipt requested. Public~~  
 80 ~~schools shall provide to the parent, guardian, or other person having control or charge of~~  
 81 ~~each child enrolled in public school a written summary of possible consequences and~~  
 82 ~~penalties for failing to comply with compulsory attendance under this Code section for~~  
 83 ~~children and their parents, guardians, or other persons having control or charge of children.~~  
 84 ~~The parent, guardian, or other person who has control or charge of a child or children shall~~  
 85 ~~sign a statement indicating receipt of such written statement of possible consequences and~~  
 86 ~~penalties; children who are age ten years or older by September 1 shall sign a statement~~  
 87 ~~indicating receipt of such written statement of possible consequences and penalties. After~~  
 88 ~~two reasonable attempts by the school to secure such signature or signatures, the school~~  
 89 ~~shall be considered to be in compliance with this subsection if it sends a copy of the~~  
 90 ~~statement, via certified mail, return receipt requested, to such parent, guardian, other person~~  
 91 ~~who has control or charge of a child, or children. Public schools shall retain signed copies~~  
 92 ~~of statements through the end of the school year.~~

93 ~~(d)~~(c) Local school superintendents in the case of private schools or home study programs  
 94 and ~~visiting teachers and attendance officers~~ local school system officials in the case of  
 95 public schools shall have authority and it shall be their duty to file proceedings in court to  
 96 enforce this subpart.

97 (d)(1) Local school system officials or other persons may make and file a report to the  
 98 appropriate enforcement agency regarding any parent, guardian, or other person having  
 99 control or charge of any child or children subject to mandatory attendance requirements

100 pursuant to subsection (a) of this Code section whose child or children are not regularly  
101 attending school including a child who has been assigned by a local board of education  
102 or its delegate to attend an alternative public school program established by that local  
103 board of education, including an alternative public school program provided for in Code  
104 Section 20-2-154.1, regardless of whether such child has been suspended or expelled  
105 from another public school program by that local board of education or its delegate  
106 pursuant to subsection (b) of this Code section.

107 (2) Local school system officials or other persons shall make and file a report to the  
108 appropriate enforcement agency regarding any parent, guardian, or other person having  
109 control or charge of any child or children subject to mandatory attendance requirements  
110 pursuant to subsection (a) of this Code section who have accumulated 30 days of  
111 unexcused absences.

112 (3) Local school systems shall cooperate in the investigation and prosecution of  
113 mandatory attendance violations in accordance with Code Section 20-2-694.

114 (e) No case shall constitute a violation of this Code section unless said child has  
115 accumulated five or more days of unexcused absences. Each day's absence from school  
116 in violation of this part after the child's school system or its delegate notifies the parent,  
117 guardian, or other person who has control or charge of a child of five unexcused days of  
118 absence for a child shall constitute a separate offense. After two or more reasonable  
119 attempts to notify the parent, guardian, or other person who has control or charge of a child  
120 of five unexcused days of absence without response, the school system shall send a notice  
121 to such parent, guardian, or other person by certified mail, return receipt requested, or first  
122 class mail and upon doing so, the school system shall be considered to be in compliance  
123 with this subsection.

124 ~~(e)~~(f) An unemancipated minor who is older than the age of mandatory attendance as  
125 required in subsection (a) of this Code section who has not completed all requirements for  
126 a high school diploma who wishes to withdraw from school shall have the written  
127 permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting  
128 such permission, the school principal or designee shall convene a conference with the child  
129 and parent or legal guardian within two school days of receiving notice of the intent of the  
130 child to withdraw from school. The principal or designee shall make a reasonable attempt  
131 to share with the student and parent or guardian the educational options available, including  
132 the opportunity to pursue a general educational development (GED) diploma and the  
133 consequences of not having earned a high school diploma, including lower lifetime  
134 earnings, fewer jobs for which the student will be qualified, and the inability to avail  
135 oneself of higher educational opportunities. Every local board of education shall adopt a  
136 policy on the process of voluntary withdrawal of unemancipated minors who are older than

137 the mandatory attendance age. The policy shall be filed with the Department of Education  
138 no later than January 1, 2007. The Department of Education shall provide annually to all  
139 local school superintendents model forms for the parent or guardian signature requirement  
140 contained in this subsection and updated information from reliable sources relating to the  
141 consequences of withdrawing from school without completing all requirements for a high  
142 school diploma. Such form shall include information relating to the opportunity to pursue  
143 a general educational development (GED) diploma and the consequences of not having  
144 earned a high school diploma, including lower lifetime earnings, fewer jobs for which the  
145 student will be qualified, and the inability to avail oneself of higher educational  
146 opportunities. Each local school superintendent shall provide such forms and information  
147 to all of its principals of schools serving grades six through ~~twelve~~ 12 for the principals to  
148 use during the required conference with the child and parent or legal guardian.

149 (g)(1) Any parent, guardian, or other person residing in this state who has control or  
150 charge of a child or children and who shall fail to send such child or children to a public  
151 school, a private school, or a home study program in accordance with this Code section  
152 shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine  
153 not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days,  
154 community service, or any combination of such penalties, at the discretion of the court  
155 having jurisdiction.

156 (2) Any parent, guardian, or other person residing in this state who has control or charge  
157 of a child or children and who shall fail to enroll such child or children in a public school,  
158 a private school, or a home study program in accordance with this Code section shall be  
159 guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as  
160 for a misdemeanor with the exception that any imprisonment portion of the sentence shall  
161 not exceed 30 days.

162 (h) Nothing in this Code section shall be construed to authorize the State Board of  
163 Education, local boards of education, or any officers thereof or appropriate enforcement  
164 agencies to impose any additional requirements on private schools or home study programs  
165 beyond that specifically included in subsection (a) of this Code section and in Code Section  
166 20-2-690."

167

**SECTION 3.**

168 Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
169 relating to the university system, is amended by adding a new Code section to read as  
170 follows:

171 "20-3-69.

172 (a) Each college and university in this state which receives in any manner funds from the  
173 state shall hold an educational program on the governing principles of the United States  
174 Constitution on or around September 17 of each year for the students served by the college  
175 or university.

176 (b) Compliance with Section 111(b) of Public Law 108-447 by a college or university shall  
177 be deemed to be compliance with this Code section."

178

**SECTION 4.**

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