

Senate Bill 239

By: Senators Ramsey, Sr. of the 43rd, Henson of the 41st, Butler of the 55th, Jones of the 10th, Buckner of the 44th and others

VETOED

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 or a private school
 42 that meets the requirements for a public school or a private school. Failure to enroll such
 43 child or children within 15 days of such new residency or the start date of school if such
 44 new residency occurs prior to such start date shall constitute a violation of this Code
 45 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 or a private school in accordance with this Code section shall be guilty of a misdemeanor
 159 and, upon conviction thereof, shall be subject to punishment as for a misdemeanor with
 160 the exception that any imprisonment portion of the sentence shall not exceed 30 days.

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

166 **SECTION 3.**

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

170 "20-3-69.

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

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

177 **SECTION 4.**

178 All laws and parts of laws in conflict with this Act are repealed.