

House Bill 524

By: Representatives Mayo of the 91st, Willard of the 49th, Millar of the 79th, Hugley of the 133rd, and Stephenson of the 92nd

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 20-2-690.1 of the Official Code of Georgia Annotated, related to
2 mandatory education for children between ages six and 16, so as to modify certain provisions
3 related to compulsory attendance; to provide for the duties and responsibilities of parents and
4 legal guardians of children subject to compulsory attendance; to provide for the reporting of
5 truancy violations by school officials; to provide for related matters; to provide an effective
6 date; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Code Section 20-2-690.1 of the Official Code of Georgia Annotated, related to mandatory
10 education for children between ages six and 16, is amended as follows:

11 "20-2-690.1.

12 (a) Mandatory attendance in a public school, private school, or home school program shall
13 be required for children between their sixth and sixteenth birthdays. Such mandatory
14 attendance shall not be required where the child has successfully completed all
15 requirements for a high school diploma. Any person who is a parent or guardian or has
16 control or charge of any child subject to compulsory attendance and who becomes a
17 resident of this state shall, within 60 days of having become a resident, enroll said child in
18 a public or private school or place the child in an approved home study program.

19 (b) Every parent, guardian, or other person residing within this state having control or
20 charge of any child or children during the ages of mandatory attendance as required in
21 subsection (a) of this Code section shall enroll and send such child or children to a public
22 school, a private school, or a home study program that meets the requirements for a public
23 school, a private school, or a home study program; and such child shall be responsible for
24 enrolling in and attending a public school, a private school, or a home study program that
25 meets the requirements for a public school, a private school, or a home study program
26 under such penalty for noncompliance with this subsection as is provided in Chapter 11 of

27 Title 15, unless the child's failure to enroll and attend is caused by the child's parent,
28 guardian, or other person, in which case the parent, guardian, or other person alone shall
29 be responsible; provided, however, that tests and physical exams for military service and
30 the National Guard and such other approved absences as determined by the General
31 Assembly and the local school district shall be excused absences. The requirements of this
32 subsection shall apply to a child during the ages of mandatory attendance as required in
33 subsection (a) of this Code section who has been assigned by a local board of education or
34 its delegate to attend an alternative public school program established by that local board
35 of education, including an alternative public school program provided for in Code Section
36 20-2-154.1, regardless of whether such child has been suspended or expelled from another
37 public school program by that local board of education or its delegate, and to the parent,
38 guardian, or other person residing in this state who has control or charge of such child.
39 Nothing in this Code section shall be construed to require a local board of education or its
40 delegate to assign a child to attend an alternative public school program rather than
41 suspending or expelling the child.

42 (c) Any parent, guardian, or other person residing in this state who has control or charge
43 of a child or children and who shall violate this Code section shall be guilty of a
44 misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00
45 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or
46 any combination of such penalties, at the discretion of the court having jurisdiction. Each
47 day's absence from school in violation of this part after the child's school system notifies
48 the parent, guardian, or other person who has control or charge of a child of five unexcused
49 days of absence for a child shall constitute a separate offense. ~~After two reasonable~~
50 ~~attempts to notify the parent, guardian, or other person who has control or charge of a child~~
51 ~~of five unexcused days of absence without response, the school system shall send a notice~~
52 ~~to such parent, guardian, or other person by certified mail, return receipt requested. Public~~
53 ~~schools shall provide to the parent, guardian, or other person having control or charge of~~
54 ~~each child enrolled in public school a written summary of possible consequences and~~
55 ~~penalties for failing to comply with compulsory attendance under this Code section for~~
56 ~~children and their parents, guardians, or other persons having control or charge of children.~~
57 ~~The parent, guardian, or other person who has control or charge of a child or children shall~~
58 ~~sign a statement indicating receipt of such written statement of possible consequences and~~
59 ~~penalties; children who are age ten years or older by September 1 shall sign a statement~~
60 ~~indicating receipt of such written statement of possible consequences and penalties. After~~
61 ~~two reasonable attempts by the school to secure such signature or signatures, the school~~
62 ~~shall be considered to be in compliance with this subsection if it sends a copy of the~~
63 ~~statement, via certified mail, return receipt requested, to such parent, guardian, other person~~

64 ~~who has control or charge of a child, or children. Public schools shall retain signed copies~~
65 ~~of statements through the end of the school year.~~

66 (d) A parent, guardian, or person who has control or charge of a child who fails to
67 regularly attend school may be reported to the proper prosecuting agency. If it appears that
68 such parent, guardian, or person has knowingly violated any of the provisions of this Code
69 section, then local school officials shall report such information to the proper prosecuting
70 agency. Local school officials shall cooperate in the investigation and prosecution of
71 compulsory attendance cases. Local school superintendents in the case of private schools
72 or home study programs and visiting teachers and attendance officers in the case of public
73 schools shall have authority and it shall be their duty to file proceedings in court to enforce
74 this subpart.

75 (e) An unemancipated minor who is older than the age of mandatory attendance as
76 required in subsection (a) of this Code section who has not completed all requirements for
77 a high school diploma who wishes to withdraw from school shall have the written
78 permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting
79 such permission, the school principal or designee shall convene a conference with the child
80 and parent or legal guardian within two school days of receiving notice of the intent of the
81 child to withdraw from school. The principal or designee shall make a reasonable attempt
82 to share with the student and parent or guardian the educational options available, including
83 the opportunity to pursue a general educational development (GED) diploma and the
84 consequences of not having earned a high school diploma, including lower lifetime
85 earnings, fewer jobs for which the student will be qualified, and the inability to avail
86 oneself of higher educational opportunities. Every local board of education shall adopt a
87 policy on the process of voluntary withdrawal of unemancipated minors who are older than
88 the mandatory attendance age. The policy shall be filed with the Department of Education
89 no later than January 1, 2007. The Department of Education shall provide annually to all
90 local school superintendents model forms for the parent or guardian signature requirement
91 contained in this subsection and updated information from reliable sources relating to the
92 consequences of withdrawing from school without completing all requirements for a high
93 school diploma. Such form shall include information relating to the opportunity to pursue
94 a general educational development (GED) diploma and the consequences of not having
95 earned a high school diploma, including lower lifetime earnings, fewer jobs for which the
96 student will be qualified, and the inability to avail oneself of higher educational
97 opportunities. Each local school superintendent shall provide such forms and information
98 to all of its principals of schools serving grades six through twelve for the principals to use
99 during the required conference with the child and parent or legal guardian."

100

SECTION 2.

101 This Act shall become effective on July 1, 2009.

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SECTION 3.

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