

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to school attendance in elementary and secondary education, so as to
3 revise certain provisions relating to mandatory attendance; to require new residents in a local
4 school system to enroll a child within 30 days; to provide for reporting violations of
5 mandatory attendance requirements; to provide that a local school system official who fails
6 to make certain reports is guilty of a misdemeanor; to provide that a person who fails to
7 enroll a child is guilty of a misdemeanor; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

14 "20-2-690.1.

15 (a) Mandatory attendance in a public school, private school, or home school program shall
16 be required for children between their sixth and sixteenth birthdays. Such mandatory
17 attendance shall not be required where the child has successfully completed all
18 requirements for a high school diploma. Any parent, guardian, or other person having
19 control or charge of any child or children subject to mandatory attendance pursuant to this
20 subsection who becomes a new resident of a local school system in this state shall within
21 30 days of such new residency enroll such child or children in a public school, a private
22 school, or a home study program that meets the requirements for a public school, a private
23 school, or a home study program. Failure to enroll such child or children within 30 days
24 shall constitute a violation of this Code section.

25 (b) Every parent, guardian, or other person residing within this state having control or
26 charge of any child or children during the ages of mandatory attendance as required in

27 subsection (a) of this Code section shall enroll and send such child or children to a public
28 school, a private school, or a home study program that meets the requirements for a public
29 school, a private school, or a home study program; and such child shall be responsible for
30 ~~enrolling in and~~ attending a public school, a private school, or a home study program that
31 meets the requirements for a public school, a private school, or a home study program
32 under such penalty for noncompliance with this subsection as is provided in Chapter 11 of
33 Title 15, unless the child's failure to enroll and attend is caused by the child's parent,
34 guardian, or other person, in which case the parent, guardian, or other person alone shall
35 be responsible; provided, however, that tests and physical exams for military service and
36 the National Guard and such other approved absences as provided for by law or by the
37 local board of education shall be excused absences. The requirements of this subsection
38 shall apply to a child during the ages of mandatory attendance as required in subsection (a)
39 of this Code section who has been assigned by a local board of education or its delegate to
40 attend an alternative public school program established by that local board of education,
41 including an alternative public school program provided for in Code Section 20-2-154.1,
42 regardless of whether such child has been suspended or expelled from another public
43 school program by that local board of education or its delegate, and to the parent, guardian,
44 or other person residing in this state who has control or charge of such child. Nothing in
45 this Code section shall be construed to require a local board of education or its delegate to
46 assign a child to attend an alternative public school program rather than suspending or
47 expelling the child.

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

64 ~~sign a statement indicating receipt of such written statement of possible consequences and~~
65 ~~penalties; children who are age ten years or older by September 1 shall sign a statement~~
66 ~~indicating receipt of such written statement of possible consequences and penalties. After~~
67 ~~two reasonable attempts by the school to secure such signature or signatures, the school~~
68 ~~shall be considered to be in compliance with this subsection if it sends a copy of the~~
69 ~~statement, via certified mail, return receipt requested, to such parent, guardian, other person~~
70 ~~who has control or charge of a child, or children. Public schools shall retain signed copies~~
71 ~~of statements through the end of the school year.~~

72 ~~(d)(c)~~ Local school superintendents in the case of private schools or home study programs
73 and visiting teachers and attendance officers in the case of public schools shall have
74 authority and it shall be their duty to file proceedings in court to enforce this subpart.

75 (d)(1) Local school system officials shall make and file a report to the appropriate
76 enforcement agency regarding any parent, guardian, or other person having control or
77 charge of any child or children subject to mandatory attendance requirements pursuant
78 to subsection (a) of this Code section who have accumulated 25 days of unexcused
79 absences. Any person required to make a report pursuant to this paragraph who
80 knowingly and willfully fails to do so shall be guilty of a misdemeanor.

81 (2) Local school system officials or other persons may make and file a report to the
82 appropriate enforcement agency regarding any parent, guardian, or other person having
83 control or charge of any child or children subject to mandatory attendance requirements
84 pursuant to subsection (a) of this Code section whose child or children are not regularly
85 attending school.

86 (3) Local school system officials or other persons may make and file a report to the
87 appropriate enforcement agency regarding any parent, guardian, or other person having
88 control or charge of any child or children subject to mandatory attendance requirements
89 pursuant to subsection (a) of this Code section if it appears that such parent, guardian, or
90 other person has knowingly violated any of the provisions of this Code section.

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

93 (e) No case shall constitute a violation of this Code section unless said child has
94 accumulated five or more days of unexcused absences. Each day's absence from school
95 in violation of this part after the child's school system or its designee notifies the parent,
96 guardian, or other person who has control or charge of a child of five unexcused days of
97 absence for a child shall constitute a separate offense. After two reasonable attempts to
98 notify the parent, guardian, or other person who has control or charge of a child of five
99 unexcused days of absence without response, the school system shall send a notice to such

100 parent, guardian, or other person by certified mail, return receipt requested and upon doing
101 so, the school system shall be considered to be in compliance with this subsection.

102 ~~(e)~~(f) An unemancipated minor who is older than the age of mandatory attendance as
103 required in subsection (a) of this Code section who has not completed all requirements for
104 a high school diploma who wishes to withdraw from school shall have the written
105 permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting
106 such permission, the school principal or designee shall convene a conference with the child
107 and parent or legal guardian within two school days of receiving notice of the intent of the
108 child to withdraw from school. The principal or designee shall make a reasonable attempt
109 to share with the student and parent or guardian the educational options available, including
110 the opportunity to pursue a general educational development (GED) diploma and the
111 consequences of not having earned a high school diploma, including lower lifetime
112 earnings, fewer jobs for which the student will be qualified, and the inability to avail
113 oneself of higher educational opportunities. Every local board of education shall adopt a
114 policy on the process of voluntary withdrawal of unemancipated minors who are older than
115 the mandatory attendance age. The policy shall be filed with the Department of Education
116 no later than January 1, 2007. The Department of Education shall provide annually to all
117 local school superintendents model forms for the parent or guardian signature requirement
118 contained in this subsection and updated information from reliable sources relating to the
119 consequences of withdrawing from school without completing all requirements for a high
120 school diploma. Such form shall include information relating to the opportunity to pursue
121 a general educational development (GED) diploma and the consequences of not having
122 earned a high school diploma, including lower lifetime earnings, fewer jobs for which the
123 student will be qualified, and the inability to avail oneself of higher educational
124 opportunities. Each local school superintendent shall provide such forms and information
125 to all of its principals of schools serving grades six through ~~twelve~~ 12 for the principals to
126 use during the required conference with the child and parent or legal guardian.

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

134 (2) Any parent, guardian, or other person residing in this state who has control or charge
135 of a child or children and who shall fail to enroll such child or children in a public school,
136 a private school, or a home study program in accordance with this Code section shall be

137 guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as
138 for a misdemeanor with the exception that any imprisonment portion of the sentence shall
139 not exceed 30 days."

140

SECTION 2.

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