

The Senate Education and Youth Committee offered the following substitute to SB 227:

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of
2 Georgia Annotated, relating to compulsory attendance for students in elementary and
3 secondary education, so as to provide that declarations of intent and attendance records for
4 home study programs are submitted to the Department of Education rather than local school
5 superintendents; to provide for related matters; to provide for applicability; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8
9 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
10 Annotated, relating to compulsory attendance for students in elementary and secondary
11 education, is amended in Code Section 20-2-690, relating to requirements for private schools
12 and home study programs, by revising subsection (c) as follows:

13 "(c) Parents or guardians may teach their children at home in a home study program which
14 meets the following requirements:

15 (1) The parent, parents, or guardian must submit within 30 days after the establishment
16 of a home study program and by September 1 annually thereafter a declaration of intent
17 to utilize a home study program to the Department of Education, which may provide for
18 electronic submittal of such declaration of intent ~~superintendent of schools of the local~~
19 ~~school district in which the home study program is located;~~

20 (2) The declaration shall include a list of the names and ages of the students who are
21 enrolled in the home study program, the address where the home study program is
22 located, and a statement of the 12 month period that is to be considered the school year
23 for that home study program. Enrollment records and reports shall not be used for any
24 purpose except providing necessary enrollment information, except with the permission
25 of the parent or guardian of a child, pursuant to the subpoena of a court of competent

- 26 jurisdiction, or for verification of attendance by the Department of Public Safety for the
 27 purposes set forth in subsection (a.1) of Code Section 40-5-22;
- 28 (3) Parents or guardians may teach only their own children in the home study program,
 29 provided the teaching parent or guardian possesses at least a high school diploma or a
 30 general educational development diploma, but the parents or guardians may employ a
 31 tutor who holds a high school diploma or a general educational development diploma to
 32 teach such children;
- 33 (4) The home study program shall provide a basic academic educational program which
 34 includes, but is not limited to, reading, language arts, mathematics, social studies, and
 35 science;
- 36 (5) The home study program must provide instruction each 12 months to home study
 37 students equivalent to 180 school days of education with each school day consisting of
 38 at least four and one-half school hours unless the child is physically unable to comply
 39 with the rule provided for in this paragraph;
- 40 (6) Attendance records for the home study program shall be kept and shall be submitted
 41 annually to the Department of Education, which may provide for electronic submittal of
 42 such records ~~at the end of each month to the school superintendent of the local school~~
 43 ~~district in which the home study program is located.~~ Attendance records and reports shall
 44 not be used for any purpose except providing necessary attendance information, except
 45 with the permission of the parent or guardian of a child, pursuant to the subpoena of a
 46 court of competent jurisdiction, or for verification of attendance by the Department of
 47 Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;
- 48 (7) Students in home study programs shall be subject to an appropriate nationally
 49 standardized testing program administered in consultation with a person trained in the
 50 administration and interpretation of norm reference tests to evaluate their educational
 51 progress at least every three years beginning at the end of the third grade and records of
 52 such tests and scores shall be retained but shall not be required to be submitted to public
 53 educational authorities; and
- 54 (8) The home study program instructor shall write an annual progress assessment report
 55 which shall include the instructor's individualized assessment of the student's academic
 56 progress in each of the subject areas specified in paragraph (4) of this subsection, and
 57 such progress reports shall be retained by the parent, parents, or guardian of children in
 58 the home study program for a period of at least three years."

59

SECTION 2.

60 Said subpart is further amended in Code Section 20-2-690.1, relating to mandatory education
 61 for children between ages six and 16, by revising subsection (d) as follows:

62 "(d) Local school superintendents in the case of private schools, the Department of
 63 Education in the case of ~~or~~ home study programs, and visiting teachers and attendance
 64 officers in the case of public schools shall have authority and it shall be their duty to file
 65 proceedings in court to enforce this subpart."

66 **SECTION 3.**

67 Said subpart is further amended in Code Section 20-2-694, relating to administration and
 68 enforcement of compulsory attendance laws, as follows:

69 "20-2-694.

70 It shall be the duty of each county and independent school system board of education, ~~and~~
 71 each local school superintendent within the state, and the Department of Education to
 72 administer this subpart and to secure its enforcement in cooperation with the other state and
 73 county agencies and in cooperation with the administrators of private schools and parents
 74 or guardians providing a home study program."

75 **SECTION 4.**

76 Said subpart is further amended in Code Section 20-2-701, relating to local school
 77 superintendents or visiting teachers and attendance officers to report truants to juvenile or
 78 other courts, by revising subsection (a) as follows:

79 "(a) Local school superintendents as applied to private schools, the Department of
 80 Education as applied to ~~and~~ home study programs, or visiting teachers and attendance
 81 officers as applied to public schools, after written notice to the parent or guardian of a
 82 child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of
 83 Title 15 any child who is absent from a public or private school or a home study program
 84 in violation of this subpart. If the judge of the court places such child in a home or in a
 85 public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for
 86 such child."

87 **SECTION 5.**

88 This Act shall be applicable beginning with school year 2012-2013.

89 **SECTION 6.**

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