

Senate Bill 227

By: Senator Loudermilk of the 52nd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) Attendance records for the home study program shall be kept and shall be submitted annually to the Department of Education, which may provide for electronic submittal of such records ~~at the end of each month to the school superintendent of the local school district in which the home study program is located.~~ Attendance records and reports shall not be used for any purpose except providing necessary attendance information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 2.

Said subpart is further amended in Code Section 20-2-690.1, relating to mandatory education 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.