

The House Committee on Education offers the following substitute to HB 821:

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 15 days; to provide for reporting violations of
5 mandatory attendance requirements; to provide that a person who fails to enroll a child is
6 guilty of a misdemeanor; to provide for statutory construction; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "20-2-690.1.

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

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

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

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

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

77 (d)(1) Local school system officials or other persons may make and file a report to the
 78 appropriate enforcement agency regarding any parent, guardian, or other person having
 79 control or charge of any child or children subject to mandatory attendance requirements
 80 pursuant to subsection (a) of this Code section whose child or children are not regularly
 81 attending school including a child who has been assigned by a local board of education
 82 or its delegate to attend an alternative public school program established by that local
 83 board of education, including an alternative public school program provided for in Code
 84 Section 20-2-154.1, regardless of whether such child has been suspended or expelled
 85 from another public school program by that local board of education or its delegate
 86 pursuant to subsection (b) of this Code section.

87 (2) Local school system officials or other persons shall make and file a report to the
 88 appropriate enforcement agency regarding any parent, guardian, or other person having
 89 control or charge of any child or children subject to mandatory attendance requirements
 90 pursuant to subsection (a) of this Code section who have accumulated 30 days of
 91 unexcused absences.

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

94 (e) No case shall constitute a violation of this Code section unless such child has
 95 accumulated five or more days of unexcused absences. Each day's absence from school
 96 in violation of this part after the child's school system or its delegate notifies the parent,
 97 guardian, or other person who has control or charge of a child of five unexcused days of
 98 absence for a child shall constitute a separate offense. After two or more reasonable
 99 attempts to notify the parent, guardian, or other person who has control or charge of a child

100 of five unexcused days of absence without response, the school system shall send a notice
 101 to such parent, guardian, or other person by certified mail, return receipt requested, and
 102 upon doing so, the school system shall be considered to be in compliance with this
 103 subsection.

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

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

136 (2) Any parent, guardian, or other person residing in this state who has control or charge
137 of a child or children and who shall fail to enroll such child or children in a public school,
138 a private school, or a home study program in accordance with this Code section shall be
139 guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as
140 for a misdemeanor with the exception that any imprisonment portion of the sentence shall
141 not exceed 30 days.

142 (h) Nothing in this Code section shall be construed to authorize the State Board of
143 Education, local boards of education, or any officers thereof or appropriate enforcement
144 agencies to impose any additional requirements on private schools or home study programs
145 beyond that specifically included in subsection (a) of this Code section and in Code Section
146 20-2-690."

147 **SECTION 2.**

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