

House Bill 39 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31st, England of the 108th, McKillip of the 115th, and Walker of the 107th

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 that notice by local school systems to parents relating to
6 unexcused absences may be made by United States mail; to provide for related matters; to
7 provide for applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

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

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

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

63

SECTION 2.

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

66 "(c) Any parent, guardian, or other person residing in this state who has control or charge
67 of a child or children and who ~~shall violate~~ violates this Code section shall be guilty of a
68 misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$25.00
69 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or
70 any combination of such penalties, at the discretion of the court having jurisdiction. Each
71 day's absence from school in violation of this part after the child's school system notifies
72 the parent, guardian, or other person who has control or charge of a child of five unexcused
73 days of absence for a child shall constitute a separate offense. After two reasonable
74 attempts to notify the parent, guardian, or other person who has control or charge of a child
75 of five unexcused days of absence without response, the school system shall send a notice
76 to such parent, guardian, or other person by certified mail, return receipt requested, or
77 first-class mail. Prior to any action to commence judicial proceedings to impose a penalty
78 for violating this subsection on a parent, guardian, or other person residing in this state who
79 has control or charge of a child or children, a school system shall send a notice to such
80 parent, guardian, or other person by certified mail, return receipt requested. Public schools
81 shall provide to the parent, guardian, or other person having control or charge of each
82 child enrolled in public school a written summary of possible consequences and penalties
83 for failing to comply with compulsory attendance under this Code section for children and
84 their parents, guardians, or other persons having control or charge of children. The parent,
85 guardian, or other person who has control or charge of a child or children shall sign a
86 statement indicating receipt of such written statement of possible consequences and
87 penalties; children who are age ten years or older by September 1 shall sign a statement
88 indicating receipt of such written statement of possible consequences and penalties. After
89 two reasonable attempts by the school to secure such signature or signatures, the school
90 shall be considered to be in compliance with this subsection if it sends a copy of the
91 statement, via certified mail, return receipt requested, or first-class mail, to such parent,
92 guardian, or other person who has control or charge of a child; or children. Public schools
93 shall retain signed copies of statements through the end of the school year."

94

SECTION 3.

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

97 "(d) Local school superintendents in the case of private schools or home study programs
98 and visiting teachers and attendance officers in the case of public schools shall have

99 authority and it shall be their duty to file proceedings in court to enforce this subpart. The
 100 Department of Education shall coordinate with local school superintendents with respect
 101 to attendance records and notification for students in home study programs."

102 **SECTION 4.**

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

105 "20-2-694.

106 It shall be the duty of each county and independent school system board of education and
 107 each local school superintendent within the state to administer this subpart and to secure
 108 its enforcement in cooperation with the other state and county agencies and in cooperation
 109 with the administrators of private schools and parents or guardians providing a home study
 110 program. The Department of Education shall coordinate with boards of education and local
 111 school superintendents regarding administration of this part with respect to students in
 112 home study programs."

113 **SECTION 5.**

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

117 "(a) Local school superintendents as applied to private schools and home study programs
 118 or visiting teachers and attendance officers as applied to public schools, after written notice
 119 to the parent or guardian of a child, shall report to the juvenile or other court having
 120 jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private
 121 school or a home study program in violation of this subpart. If the judge of the court places
 122 such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15,
 123 school shall be provided for such child. The Department of Education shall coordinate
 124 with local school superintendents with respect to attendance records and notification for
 125 students in home study programs."

126 **SECTION 6.**

127 Sections 1, 3, 4, and 5 of this Act shall be applicable beginning with school year 2012-2013.

128 **SECTION 7.**

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