

House Bill 442

By: Representatives Reese of the 140th, Stephens of the 164th, Townsend of the 179th,
Burnough of the 77th, and Herring of the 145th

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 student performers shall not be counted absent
4 from school due to performing in certain productions, subject to certain conditions, for no
5 more than all or part of 25 school days; to provide that the instruction and related services
6 provided by a studio teacher to a student performer are aligned with the curriculum and
7 content standards being delivered at the student performer's school under certain
8 circumstances; to provide for performance certification forms and certification; to authorize
9 the Department of Labor, in consultation with the Department of Education, to develop such
10 certification forms and promulgate rules and regulations; to provide for authorizations by
11 parents or guardians relating to the education records of student performers; to provide for
12 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

13 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 by adding a new Code section to read as follows:

"20-2-692.4.

(a) As used in this Code section, the term:

(1) 'Child labor coordinator' means the person who is designated by the employing unit as responsible for the coordination and safety of the student performer, including, but not limited to, ensuring that the student performer is provided instruction and related services by a studio teacher.

(2) 'Employing unit' means the person, agency, association, company, corporation, group, or other organization using the services of a student performer.

(3) 'Performance' or 'performing' means participation in a production that is available to the public, will be made available to the public, or is intended to be made available to the public.

(4) 'Production' means a work that is being presented, will be presented, or is intended to be presented by way of, but not limited to, the following: stage, screen, television, internet, digital recording, video tape, audio tape, still photographic or phonographic recording of any kind, open air, or runway modeling. A production shall include an exhibition, as defined by the Department of Labor, but shall not include any participation or performance related to a production or exhibition produced exclusively by a public school, private school, or religious organization if such public school, private school, or religious organization has not been issued a current employing unit certification by the Department of Labor.

(5) 'Student performer' means a person under 18 years of age who is enrolled in a public pre-kindergarten program or elementary or secondary school located in this state, who has been issued a current minor's certification by the Department of Labor or current

41 written consent by the Commissioner of Labor as provided in Code Section 39-2-18, and
42 who is performing in a production. Such term shall also mean a person over the age of 18
43 who is currently enrolled in a public secondary school located in this state and who is
44 performing in a production.

45 (6) 'Studio teacher' means a person who is certified as a studio teacher by the Department
46 of Labor, who holds a valid five-year induction or professional certificate issued by the
47 Georgia Professional Standards Commission, or who meets the requirements of rules or
48 regulations promulgated by the State Board of Education for providing instruction and
49 related services to student performers.

50 (b) For no more than all or part of 25 school days, a student performer who is performing
51 during all or part of such allocated school days shall be credited as present by the school
52 and shall not be counted as absent, either excused or unexcused, for all or part of any day
53 missed from school due to such performance that is included on a performance certification
54 completed by the student performer's parent or guardian and the child labor coordinator or
55 studio teacher assigned to the student performer using a performance certification form
56 promulgated by the Department of Labor for this purpose. Subject to the provisions of
57 paragraph (2) of subsection (c) of this Code section, such performance certification shall
58 clearly describe the curriculum and content standards that were included in the instruction
59 and related services provided to the student performer by the studio teacher. Such
60 performance certification shall be submitted to an official of the student performer's school
61 upon such student performer's return to school after the performance which is the subject
62 of the performance certification. A single performance certification may be provided for
63 a performance that continues for consecutive school days on a single production.

64 (c)(1) Parents or guardians, studio teachers, child labor coordinators, and employing
65 units are each responsible for ensuring that the instruction and related services provided
66 to a student performer by a studio teacher are appropriate based on consideration of such

67 student performer's age, grade level, and competency in reading, writing, and
68 mathematics aligned with the content standards adopted by the State Board of Education.

69 (2) Whenever a student performer is engaged in a performance for three consecutive
70 school days or longer, regardless of how long the production was originally intended to
71 be, employing units and child labor coordinators shall be responsible for ensuring that the
72 instruction and related services provided to a student performer by a studio teacher
73 include appropriate curriculum and content standards that are aligned with the curriculum
74 and content standards being delivered at the student performer's school regardless of such
75 student performer's age, and the studio teacher shall be responsible for coordinating with
76 the student performer's school teachers to ensure appropriate instructional materials and
77 resources, including, but not limited to, lessons, assignments, and assessments that are
78 aligned with the school's curriculum and content standards, are being used with the
79 student performer.

80 (3) For a student performer to be credited as present as provided in subsection (b) of this
81 Code section, a parent or guardian shall provide appropriate authorization for the student
82 performer's studio teachers and school personnel to communicate regarding the student
83 performer, including, but not limited to, communications involving the student
84 performer's education records as defined in the federal Family Educational Rights and
85 Privacy Act (FERPA), 20 U.S.C. Section 1232g.

86 (d) Upon consultation with the Department of Education, the Department of Labor shall
87 promulgate a performance certification form and such policies and procedures necessary
88 to ensure compliance with this Code section."

89 **SECTION 2.**

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