

Senate Bill 123

By: Senators Kennedy of the 18th, Hickman of the 4th, Hatchett of the 50th, Gooch of the 51st, Robertson of the 29th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20, relating to compulsory
2 attendance, so as to update and revise provisions of the state's compulsory school attendance
3 laws; to provide that no student shall be expelled by a public school due solely to
4 absenteeism; to require each student attendance and school climate committee to meet no
5 later than November 1, 2025, and at least twice annually thereafter; to require such
6 committees to adopt certain protocols by June 1, 2026; to authorize such committees to
7 address chronic absenteeism; to provide for reporting requirements; to provide for
8 definitions; to require local boards of education adopt policies and procedures for attendance
9 review teams and intervention plans for chronically absent students; to provide for attendance
10 review teams; to provide for reports; to repeal and reenact provisions for students to be
11 excused from school for taking tests and physical exams for military service; to update
12 statutory language and make conforming changes; to amend Code Section 20-4-141 of the
13 Official Code of Georgia Annotated, relating to establishment of pilot program, awarding of
14 high school diploma to successful participants, skills and knowledge, eligibility for
15 participation, and regulation, so as to make conforming changes; to provide for related
16 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 123

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18

SECTION 1.

19 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20, relating to compulsory attendance,
 20 is amended by revising paragraph (7) of subsection (f) of Code Section 20-2-690, relating
 21 to educational entities, requirements for private schools and home study programs, and
 22 learning pod protection, as follows:

23 "(7) Participation in a learning pod to facilitate a remote learning option offered by the
 24 student's primary education provider shall satisfy all ~~mandatory~~ compulsory attendance
 25 requirements provided for in Code Section 20-2-690.1."

26

SECTION 2.

27 Said subpart is further amended by revising Code Section 20-2-690.1, relating to mandatory
 28 education for children between ages six and 16, as follows:

29 "20-2-690.1.

30 (a) As used in this subpart, the terms 'parent' and 'parent or guardian' shall mean a
 31 biological parent, legal guardian, custodian, or other person with legal authority to act on
 32 behalf of a child.

33 ~~(b) Mandatory attendance in a public school, private school, or home school program shall~~
 34 ~~be required for children~~ Each child in this state shall be required to attend a public school,
 35 a private school, or a home study program between ~~their~~ his or her sixth and sixteenth
 36 birthdays. Such ~~mandatory compulsory~~ attendance shall not ~~be required where the~~ apply
 37 to any child who has successfully completed all requirements for a high school diploma or
 38 state approved high school equivalency (HSE) diploma.

39 ~~(b)(c)(1) Every parent or guardian, guardian, or other person residing within this state~~
 40 ~~having control or charge~~ of any child or children during the ages of mandatory
 41 compulsory attendance as required provided for in subsection (a) (b) of this Code section
 42 shall enroll and send such child or children to a public school, a private school, or a home
 43 study program that meets the requirements for a public school, a private school, or a

44 home study program; and such child shall be responsible for enrolling in and attending
 45 a such public school, a private school, or a home study program ~~that meets the~~
 46 ~~requirements for a public school, a private school, or a home study program~~ under such
 47 penalty for noncompliance with this subsection as is provided in Chapter 11 of Title 15,
 48 unless ~~the~~ such child's failure to enroll and attend is caused by ~~the child's~~ his or her
 49 parent; ~~or guardian; or other person,~~ in which case ~~the~~ such parent; ~~or guardian; or other~~
 50 ~~person~~ alone shall be responsible; ~~provided, however, that tests and physical exams for~~
 51 ~~military service and the National Guard and such other approved absences shall be~~
 52 ~~excused absences.~~

53 (2)(A) The requirements of this subsection shall apply to a each child during the ages
 54 of ~~mandatory compulsory~~ attendance ~~as required provided for~~ in subsection ~~(a)~~ (b) of
 55 this Code section who has been assigned by a local board of education or its delegate
 56 to attend an alternative ~~public school~~ education program established by ~~that~~ such local
 57 board of education, including an alternative ~~public school~~ education program provided
 58 for in Code Section 20-2-154.1, regardless of whether such child has been suspended
 59 or expelled from another public school program by ~~that~~ such local board of education
 60 or its delegate, and to the parent; ~~or guardian; or other person residing in this state who~~
 61 ~~has control or charge of such child.~~

62 (B) Nothing in this ~~Code section paragraph~~ shall be construed to require a local board
 63 of education or its delegate to assign a child to attend an alternative ~~public school~~
 64 education program rather than suspending or expelling the child.

65 (3) The compulsory attendance provided for in subsection (b) of this Code section shall
 66 not apply for any school day, or any portion of a school day, that a student misses due to
 67 an exemption, as provided for in Code Section 20-2-693; an excused absence, as provided
 68 for in Code Sections 20-2-692.1 and 20-2-692.4; or any reason provided for in Code
 69 Sections 20-2-692, 20-2-692.2, and 20-2-692.3.

70 (4) No student shall be expelled from a public school in this state due solely to such
71 student's absences from school.

72 ~~(c)(d)(1) Any parent; or guardian, or other person residing in this state who has control~~
73 ~~or charge of a child or children and who violates this Code section shall be guilty of a~~
74 ~~misdemeanor and, upon conviction thereof, shall be subject to a fine of not less~~
75 ~~than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days,~~
76 ~~community service, or any combination of such penalties, at the discretion of the court~~
77 ~~having jurisdiction. Each day's absence from school in violation of this part Code section~~
78 ~~after the child's school system notifies the parent; or guardian, or other person who has~~
79 ~~control or charge of a child of five unexcused days of absence for a child shall constitute~~
80 ~~a separate offense.~~

81 (2) After two reasonable attempts to notify the parent; or guardian, or other person who
82 has control or charge of a child of five unexcused days of absence without response, the
83 school system shall send a notice to such parent; or guardian, or other person by certified
84 mail, return receipt requested, or first-class mail.

85 (3) Prior to any action to commence judicial proceedings to impose a penalty for
86 violating this subsection on a parent; or guardian, or other person residing in this state
87 who has control or charge of a child or children, a school system shall send a notice to
88 such parent; or guardian, or other person by certified mail, return receipt requested.

89 (4) Public schools shall provide to the parent; or guardian, or other person having
90 control or charge of each child enrolled in public school a written summary of possible
91 consequences and penalties for failing to comply with compulsory attendance under this
92 Code section for children and their parents; or guardians, or other persons having control
93 or charge of children. The parent; or guardian, or other person who has control or charge
94 of a child or children shall sign a statement indicating receipt of such written statement
95 of possible consequences and penalties; children who are age ten years or older by
96 September 1 shall sign a statement indicating receipt of such written statement of possible

97 consequences and penalties. After two reasonable attempts by the school to secure such
 98 signature or signatures, the school shall be considered to be in compliance with this
 99 subsection if it sends a copy of the statement, via certified mail, return receipt requested,
 100 or first-class mail, to such ~~parent, guardian, or other person~~ parent or guardian who has
 101 control or charge of a child or children. Public schools shall retain signed copies of
 102 statements through the end of the school year.

103 ~~(d)~~(e) Local school superintendents in the case of private schools, the Department of
 104 Education in the case of home study programs, and visiting teachers and attendance
 105 officers in the case of public schools shall have authority and it shall be their duty to file
 106 proceedings in court to enforce this subpart. The Department of Education shall coordinate
 107 with local school superintendents with respect to attendance records and notification for
 108 students in home study programs.

109 ~~(e)~~(f)(1) An unemancipated minor who is older than the age of ~~mandatory compulsory~~
 110 attendance as ~~required~~ provided for in subsection ~~(a)~~ (b) of this Code section who has not
 111 completed all requirements for a high school diploma or a state approved high school
 112 equivalency (HSE) diploma who wishes to withdraw from school shall ~~have the~~ not be
 113 permitted to withdraw from school without written permission of his or her parent or
 114 ~~legal~~ guardian prior to withdrawing such withdrawal. Prior to accepting such permission,
 115 the school principal or designee shall convene a conference with the child and parent or
 116 ~~legal~~ guardian within two school days of receiving notice of the intent of the child to
 117 withdraw from school. The principal or designee shall make a reasonable attempt to
 118 share with the student and parent or guardian the ~~educational options available, including~~
 119 ~~the opportunity to pursue a state approved high school equivalency (HSE) diploma and~~
 120 ~~the consequences of not having earned a high school diploma, including lower lifetime~~
 121 ~~earnings, fewer jobs for which the student will be qualified, and the inability to avail~~
 122 ~~oneself of higher educational opportunities~~ information provided by the Department of
 123 Education as required in paragraph (2) of this subsection.

124 (2) Each Every local board of education shall adopt a policy on the process of voluntary
 125 withdrawal of unemancipated minors who are older than the ~~mandatory attendance~~ age
 126 of compulsory attendance as provide for in subsection (b) of this Code section. ~~The~~ Such
 127 policy shall be filed with the Department of Education no later than January 1, 2007. The
 128 Department of Education shall provide annually to all local school superintendents model
 129 forms for the parent or guardian signature requirement contained in this subsection and
 130 updated information from reliable sources relating to the consequences of withdrawing
 131 from school without completing all requirements for a high school diploma. Such model
 132 form shall include information relating to the opportunity to pursue a state approved high
 133 school equivalency (HSE) diploma and the consequences of not having earned a high
 134 school diploma, including lower lifetime earnings, fewer jobs for which the student will
 135 be qualified, and the inability to avail oneself of higher educational opportunities. Such
 136 model form shall also include information regarding potential loss of eligibility for
 137 accommodations, specialized instruction, and other services pursuant to the federal
 138 Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq., and
 139 Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq.
 140 Each local school superintendent shall provide such model forms and information to all
 141 of its principals of schools serving grades six through twelve for the principals to use
 142 during the ~~required~~ conference with the child and parent or ~~legal~~ guardian required in
 143 paragraph (1) of this subsection."

144

SECTION 3.

145 Said subpart is further amended by revising subsections (a), (e), and (g) and adding a new
 146 subsection to Code Section 20-2-690.2, relating to establishment of student attendance and
 147 school climate committee, membership, summary of penalties for failure to comply, review
 148 and policy recommendations, and reporting, to read as follows:

149 "(a) The chief judge of the superior court of each county shall establish a student
150 attendance and school climate committee for such county. The purpose of the committee
151 shall be to ensure coordination and cooperation among officials, agencies, and programs
152 involved in compulsory attendance issues, to reduce the number of unexcused absences
153 from school, to increase the percentage of students present to take tests which are required
154 to be administered under the laws of this state, to reduce the number of students who are
155 chronically absent as such term is defined in Code Section 20-2-690.3, and to improve the
156 school climate in each school. The chief judge is responsible for ensuring that all members
157 of the committee are notified of their responsibility to the committee and shall call the first
158 meeting of the committee in each county. The committee shall elect a chairperson and may
159 elect other officers."

160 "(e)(1) Each committee shall, by June 1, ~~2005~~ 2026, adopt a written student attendance
161 protocol ~~for its county school system and for each independent~~ for each local school
162 system within its geographic boundaries which shall be filed with the Department of
163 Education. The protocol shall outline in detail the procedures to be used in identifying,
164 reporting, investigating, and prosecuting cases of alleged violations of compulsory
165 attendance requirements provided for in Code Section 20-2-690.1, ~~relating to mandatory~~
166 ~~school attendance~~. The protocol shall outline in detail methods for determining the
167 causes of failing to comply with compulsory attendance and appropriately addressing the
168 issue with children and their parents or guardians. The protocol shall also include
169 recommendations for policies relating to tardiness and chronic absenteeism. The
170 Department of Education shall provide model school attendance protocols, if requested
171 by the committee.

172 (2) A copy of the protocol shall be furnished to each agency, official, or program within
173 the county that has any responsibility in assisting children and their parents or guardians
174 in complying with Code Section 20-2-690.1.

175 (3) The committee shall write the summary of possible consequences and penalties for
 176 failing to comply with compulsory attendance under Code Section 20-2-690.1 for
 177 children and their ~~parents, guardians, or other persons~~ parents or guardians who have
 178 control or charge of children for distribution by schools in accordance with Code Section
 179 20-2-690.1. The summary of possible consequences for children shall include possible
 180 dispositions for children in need of services and possible denial of a driver's license for
 181 a child in accordance with Code Section 40-5-22."

182 "(g) The chief judge of the superior court of each county shall ensure that the committee
 183 meets no later than November 1, 2025, and at least twice annually thereafter to evaluate
 184 compliance with the protocol, effectiveness of the protocol, and appropriate modifications
 185 and to review and revise, if necessary, recommendations relating to school climate."

186 "(i) Beginning in 2026, by November 1 of each even-numbered year the Department of
 187 Education shall submit to the chairpersons of the House Committee on Education and the
 188 Senate Education and Youth Committee a county-by-county report of compliance with the
 189 requirements of this Code section. Such report shall also include the student attendance
 190 rates and aggregated student discipline data submitted by each local board of education as
 191 required in subsection (h) of this Code section for the three most recently completed
 192 school years. Such report shall be posted on the Department of Education's public
 193 website."

194 **SECTION 4.**

195 Said subpart is further amended by adding a new Code section to read as follows:

196 "20-2-690.3.

197 (a) As used in this subpart, the term:

198 (1) 'Attendance review team' means a team of individuals provided for in subsection (c)
 199 of this Code section.

200 (2) 'Chronically absent' means the attendance status of a student whose total number of
201 absences, whether excused or unexcused, at any time during a school year is equal to or
202 greater than 10 percent of the total number of school days that such student has been
203 enrolled at the same school or within the same local school system during the current
204 school year excepting such student's first day of enrollment.

205 (3) 'Local school system chronic absenteeism rate' means the number of students enrolled
206 in a local school system who were chronically absent during the previous school year
207 divided by the total number of students enrolled in such local school system during such
208 school year.

209 (4) 'School chronic absenteeism rate' means the number of students enrolled in a school
210 who were chronically absent during the previous school year divided by the total number
211 of students enrolled in such school during such school year.

212 (b)(1) Each local school system shall establish policies and procedures to effectively and
213 continuously identify and provide appropriate supports to students who are chronically
214 absent or at risk of becoming chronically absent, including, but not limited to, policies
215 and procedures for attendance review teams and for intervention plans for such students
216 and their parents or guardians.

217 (2) Each local school system that:

218 (A) Has a local school system chronic absenteeism rate of 10 percent or higher shall
219 establish an attendance review team for the local school system; and

220 (B) Has one or more schools with a school chronic absenteeism rate of 15 percent or
221 higher shall establish an attendance review team for each such school.

222 (c)(1) Each attendance review team established under the Code section shall meet at least
223 once monthly and shall be responsible for reviewing the individual cases of students who
224 are chronically absent and developing intervention plans for such students and their
225 parents or guardians; provided, however, that a local school system attendance review
226 team shall be authorized to work in conjunction with school attendance review teams.

227 (2) Attendance review teams established under this subsection may consist of school
 228 administrators, school counselors, school social workers, teachers, other school
 229 personnel, and the parents or guardians of such students who are chronically absent."

230 **SECTION 5.**

231 Said subpart is further amended by in Code Section 20-2-692.1, relating to excused absences
 232 for days missed to visit with parent or legal guardian in the military prior to deployment or
 233 while on leave, and attendance at military affairs sponsored events, by replacing "parent or
 234 legal guardian" with "parent or guardian" wherever the former term appears and by replacing
 235 "parent's or legal guardian's" with "parent's or guardian's" wherever the former term appears.

236 **SECTION 6.**

237 Said subpart is further amended by adding a new Code section to read as follows:

238 "20-2-692.4.

239 A student taking tests and physical exams for military service in the armed forces of the
 240 United States and the National Guard shall be credited as present by the school and shall
 241 not be counted as an absence, either excused or unexcused, for any day, portion of a day,
 242 or days missed from school."

243 **SECTION 7.**

244 Said subpart is further amended by revising Code Section 20-2-693, relating to exemptions,
 245 as follows:

246 "20-2-693.

247 (a) Children during the ages of ~~mandatory compulsory~~ attendance as ~~required~~ provided for
 248 in subsection ~~(a)~~ (b) of Code Section 20-2-690.1 who are excused from attendance in
 249 public school by ~~county or independent school system boards~~ the local board of education
 250 in accordance with general policies and regulations required by law or promulgated by the

251 State Board of Education shall be exempt from this subpart. The state board, in
252 promulgating its general policies and regulations, shall take into consideration sickness and
253 other emergencies which may arise in any school community.

254 (b) Children during the ages of ~~mandatory~~ compulsory attendance as ~~required~~ provided for
255 in subsection ~~(a)~~ (b) of Code Section 20-2-690.1 who are excused from attendance at
256 private schools or home study programs for sickness or emergencies or for other reasons
257 substantially the same as the reasons for excused absences from attendance at public school
258 authorized by law or state board policy pursuant to subsection (a) of this Code section shall
259 be exempt from this subpart."

260 **SECTION 8.**

261 Said subpart is further amended by in Code Section 20-2-699, relating to disposition of
262 children taken into custody, by replacing "parent, guardian, or other person having control
263 or charge of the child" with "parent or guardian" wherever the former term appears.

264 **SECTION 9.**

265 Code Section 20-4-141 of the Official Code of Georgia Annotated, relating to establishment
266 of pilot program, awarding of high school diploma to successful participants, skills and
267 knowledge, eligibility for participation, and regulation, by replacing "subsection (e) of Code
268 Section 20-2-690.1" with "subsection (f) of Code Section 20-2-690.1" wherever the former
269 terms appears.

270 **SECTION 10.**

271 This Act shall become effective on July 1, 2025.

272 **SECTION 11.**

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