

Senate Bill 497

By: Senators Dixon of the 45th, Still of the 48th, Summers of the 13th, Gooch of the 51st, Echols of the 49th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to elementary and secondary school students, so as to require written notification to
3 a parent when a student receives certain noninstructional services from certain school
4 employees; to provide for exceptions; to provide for education records of such
5 noninstructional services; to revise the "Parents' Bill of Rights" to provide for such written
6 notification; to require local education agencies to adopt policies, rules, or regulations; to
7 provide for definitions; to provide for construction; to provide for an effective date; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
12 elementary and secondary school students, is amended in Part 5, relating to review of
13 removal, by redesignating Code Section 20-2-786, the "Parents' Bill of Rights," as Part 6, by
14 revising said Code section, and by adding a new Code section to said new part to read as
15 follows:

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16 "20-2-786.

17 (a) This ~~Code section part~~ shall be known and may be cited as the 'Parents' Bill of Rights.'

18 (b) The General Assembly finds that it is a fundamental right of parents to direct the
19 upbringing and education of their minor children. The General Assembly further finds that
20 important information relating to a minor child should not be withheld, either inadvertently
21 or purposefully, from his or her parent, including information relating to the minor child's
22 education.

23 (c) As used in this ~~Code section part~~, the term:

24 (1) 'Education records' shall have the same meaning as set forth in Code
25 Section 20-2-670.

26 ~~(1)(2)~~ (2) 'Governing body' shall have the same meaning as ~~provided~~ set forth in
27 subsection (a) of Code Section 20-2-167.1.

28 ~~(2)(3)~~ (3) 'Instructional material' means instructional materials and content, as defined by the
29 State Board of Education pursuant to Code Section 20-2-1010, and locally approved
30 instructional materials and content, as defined in subsection (a) of Code
31 Section 20-2-1017.

32 (4) 'Local education agency' shall have the same meaning as set forth in subsection (a)
33 of Code Section 20-2-167.1.

34 ~~(3)(5)~~ (5) 'Minor child' means ~~a person~~ an individual who is less than 18 years of age and
35 who has not been emancipated by operation of law or by court order pursuant to Code
36 Section 15-11-727 or as otherwise provided by law.

37 ~~(4)(6)~~ (6) 'Parent' means ~~a person~~ an individual who has legal authority to act on behalf of
38 a minor child as a natural or adoptive parent or a legal guardian.

39 (7) 'Principal' means the school principal, or his or her designee, of the school which a
40 student attends or for which such student participates in extracurricular activities or
41 interscholastic activities.

42 ~~(5)~~(8) 'Review period' means the first two weeks of each nine-week grading period of the
 43 school year; provided, however, that, for schools that do not implement nine-week
 44 grading periods, ~~the term 'review period'~~ such term means the first two weeks of each
 45 grading period of the school year.

46 (9) 'School' means a public elementary or public secondary school in this state.

47 (10) 'Student' means a minor child who is enrolled in a school or participates in
 48 extracurricular activities or interscholastic activities for such school.

49 (d) No state or local government entity, governing body, local education agency, or any
 50 officer, employee, or agent thereof may infringe on the fundamental right of a parent to
 51 direct the upbringing and education of his or her minor child without demonstrating that
 52 such action is reasonable and necessary to achieve a compelling state interest and that such
 53 action is narrowly tailored and is not otherwise served by less restrictive means.

54 (e)(1) All parental rights are reserved to the parent of a minor child in this state without
 55 obstruction or interference from a state or local government entity, governing body, local
 56 education agency, or any officer, employee, or agent thereof, including, but not limited
 57 to:

58 (A) The right to direct the upbringing and the moral or religious training of his or her
 59 minor child;

60 (B) The right to review all instructional materials intended for use in the classroom of
 61 his or her minor child;

62 (C) The right to apply to enroll his or her minor child in a public school or, as an
 63 alternative to public education, a private school, including a religious school, a home
 64 study program, or other available options, as authorized by law and subject to
 65 applicable enrollment requirements;

66 (D) The right to access and review all education records relating to his or her minor
 67 child, including, but not limited to, current grade reports and attendance records, unless
 68 otherwise prohibited by law;

69 (E) The right to access information relating to promotion and retention policies and
 70 high school graduation requirements;

71 (F) The right to provide written notice that photographs or video or voice recordings
 72 of his or her child are not permitted, subject to applicable public safety and security
 73 exceptions; ~~and~~

74 (G)(i) The right to request, in writing, from the local school superintendent or school
 75 principal the information provided for in this Code section. The local school
 76 superintendent or school principal shall produce such information for inspection
 77 within a reasonable amount of time not to exceed three school business days of receipt
 78 of a request. In those instances ~~where~~ when some, but not all, information requested
 79 is available for inspection within three school business days, the local school
 80 superintendent or school principal shall make available within ~~that~~ such time period
 81 such information that is available for inspection. In any instance ~~where~~ when some
 82 or all of such information is unavailable within three school business days of receipt
 83 of the request, and such information exists, the local school superintendent or school
 84 principal shall; within such time period; provide the requester with a description of
 85 such information and a timeline for when the information will be available for
 86 inspection and shall provide ~~the~~ such information or access thereto as soon as
 87 practicable but in no case later than 30 days of receipt of the request.

88 (ii) If the local school superintendent or school principal denies a parent's request for
 89 information provided for in this Code section or does not provide existing responsive
 90 information within 30 days, the parent may appeal such denial or failure to respond
 91 to the governing body. The governing body ~~must place~~ shall consider and take action
 92 on such appeal ~~on the agenda for~~ at its next regularly scheduled or special public
 93 meeting. ~~If it is too late for such appeal to appear on the next meeting's agenda, the~~
 94 ~~appeal must be included on the agenda for the subsequent meeting.~~

95 (iii) A parent aggrieved by the decision of the governing body may appeal such
96 decision to the State Board of Education as provided in subsection (b) of Code
97 Section 20-2-1160; and

98 (H) The right to receive written notification as required by subsection (c) of Code
99 Section 20-2-786.1.

100 (2) Unless such rights have been waived or terminated as provided by law, parents have
101 inalienable rights that are more comprehensive than those listed in paragraph (1) of this
102 subsection. This ~~Code section part~~ part does not prescribe all rights of parents. Unless
103 otherwise required by law, the rights of a parent of a minor child shall not be limited or
104 denied.

105 (f) Each governing body shall, in consultation with parents, teachers, and administrators,
106 develop and adopt a policy or regulation to promote parental involvement in the public
107 schools. Such policy or regulation shall be updated each year by June 1 and posted on each
108 governing body's public website, and a copy of such policy or regulation shall be available
109 for review on site upon request by a parent. Such policy or regulation shall include:

110 (1) Procedures that meet the requirements of Code Sections 20-2-667 and 20-2-670 for
111 a parent to review education records relating to his or her minor child and to request the
112 transfer of such records to another school or a person or entity authorized to receive such
113 records;

114 (2)(A) Procedures for a parent to learn about his or her minor child's courses of study,
115 including, but not limited to, parental access to instructional materials intended for use
116 in the classroom. Instructional materials intended for use in his or her minor child's
117 classroom shall be made available for parental review during the review period. If such
118 instructional materials are not made available by a school or local ~~school system~~
119 education agency for review online, then they shall be made available for review on site
120 upon a parent's request made during the review period.

- 121 (B) Procedures for a parent to object to instructional materials intended for use in his
122 or her minor child's classroom or recommended by his or her minor child's teacher;
- 123 (3) Procedures for a parent to withdraw his or her minor child from the school's
124 prescribed course of study in sex education if the parent provides a written objection to
125 his or her minor child's participation. Such procedures shall provide for a parent to be
126 notified in advance of such course content so that he or she may withdraw his or her
127 minor child from the course;
- 128 (4) Procedures for a parent to provide written notice that photographs or video or voice
129 recordings of his or her child are not permitted, subject to applicable public safety and
130 security exceptions; and
- 131 (5) Procedures that meet the requirements of Code Sections 20-2-667 and 20-2-670 for
132 the timely production of a student's education records by such student's current or
133 previous school to another school in which such student has enrolled, intends to enroll,
134 or is considering enrollment.
- 135 (g) This Code section ~~does not~~ and shall not be construed to:
- 136 (1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful
137 or to abuse or neglect his or her minor child in violation of the law;
- 138 (2) Prohibit a judge or officer of a court of competent jurisdiction, law enforcement
139 officer, or any agent of a state or local government entity that is responsible for child
140 welfare from acting in his or her official capacity within the reasonable and prudent scope
141 of his or her authority;
- 142 (3) Prohibit a court of competent jurisdiction from issuing an order that is otherwise
143 permitted by law; or
- 144 (4) Apply to a parental action or decision that would end life.
- 145 (h) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
146 a strategic waivers school system, Code Section 20-2-2063.2 or 20-2-2065 for a charter
147 system, Code Section 20-2-2065 for a charter school established pursuant to Article 31 or

148 Article 31A of this chapter, Code Section 20-2-2096.3 for a completion special school, or
149 Code Section 20-2-244.

150 20-2-786.1.

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

152 (1) 'Noninstructional services' means medical, nursing, or therapeutic counseling services
153 provided to a student that are not part of instruction or instruction related services relating
154 to state approved courses provided or coordinated by a certified teacher, a substitute
155 teacher, or other qualified personnel.

156 (2) 'School employee' means a school counselor, school nurse, school psychologist,
157 school social worker, student advocacy specialist, school administrator, or teacher
158 employed by or on behalf of a public elementary or public secondary school in this state
159 regardless of whether such employment is pursuant to a contract or is full time or part
160 time.

161 (3) 'Therapeutic counseling services' means services primarily focused on addressing a
162 student's mental and emotional issues. Such term shall not include services primarily
163 focused on a student's academic skills, achievements, planning, or goals relative to his
164 or her elementary or secondary education or to his or her postsecondary or career
165 objectives.

166 (b) Each time a school employee provides noninstructional services to a student, he or she
167 shall make a record of such noninstructional services, and such record shall be part of the
168 student's education records.

169 (c)(1) Except as provided in paragraph (2) of this subsection, each time a student
170 receives noninstructional services from a school employee, written notification shall be
171 provided to the student's parent as soon as practicable but in no case later than 48 hours
172 after such noninstructional services were provided.

173 (2)(A) Subject to the provisions of subparagraph (B) of this paragraph, a school
174 employee shall not be required to provide written notification to the student's parent as
175 required in paragraph (1) of this subsection when, acting in good faith and based on
176 sound judgment, he or she reasonably believes that:

177 (i) The student presents an imminent danger of harming himself, herself, or another
178 and the parental notification required in paragraph (1) of this subsection would
179 exacerbate such danger; or

180 (ii) Suspected child abuse, as such term is defined in Code Section 19-7-5, involving
181 the student has occurred or there is an imminent danger of such child abuse occurring
182 and the parental notification required in paragraph (1) of this subsection would
183 exacerbate such danger.

184 (B) If, pursuant to subparagraph (A) of this paragraph, a school employee does not
185 provide written notification to a student's parent as required in paragraph (1) of this
186 subsection, he or she shall provide, within 12 hours of providing noninstructional
187 services to the student, written notice to the student's principal of such decision and
188 shall include in such notice a clear explanation of the basis for such decision. If in such
189 cases the school employee is the school principal, he or she shall provide such written
190 notice to his or her immediate supervisor.

191 (d) By July 1, 2026, each local education agency shall adopt policies, rules, or regulations
192 to implement the requirements of this Code section.

193 (e) Nothing in this Code section shall be construed to:

194 (1) Authorize or require a school employee to violate federal or state law;

195 (2) Change any individual's duty to report child abuse, as required by Code
196 Section 19-7-5;

197 (3) Prohibit a judge or officer of a court of competent jurisdiction, law enforcement
198 officer, or any agent of a state or local government entity that is responsible for child

199 welfare from acting in his or her official capacity within the reasonable and prudent scope
200 of his or her authority; or

201 (4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise
202 permitted by law.

203 (f) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
204 a strategic waivers school system, Code Section 20-2-2063.2 or 20-2-2065 for a charter
205 system, Code Section 20-2-2065 for a charter school established pursuant to Article 31 or
206 Article 31A of this chapter, Code Section 20-2-2096.3 for a completion special school, or
207 Code Section 20-2-244."

208 **SECTION 2.**

209 This Act shall become effective upon its approval by the Governor or upon its becoming law
210 without such approval.

211 **SECTION 3.**

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