

Senate Bill 246

By: Senators Brass of the 28th, Albers of the 56th, Kirkpatrick of the 32nd, Payne of the 54th, Anavitarte of the 31st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-690 of the Official Code of Georgia Annotated, relating to
2 educational entities and requirements for private schools and home study programs, so as to
3 provide for "The Learning Pod Protection Act"; to provide for exemptions applicable to
4 learning pods; to provide for student attendance; to provide for administrative and judicial
5 proceedings; to provide for severability; to provide for a short title; to provide for legislative
6 purpose; to provide for definitions; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 20-2-690 of the Official Code of Georgia Annotated, relating to educational
11 entities and requirements for private schools and home study programs, is amended by
12 adding a new subsection to read as follows:

13 "(f)(1)(A) This subsection shall be known as 'The Learning Pod Protection Act.'

14 (B) This subsection is necessary to ensure that parents in this state who choose to
15 voluntarily associate to advance the primary education of their children shall not be
16 subject to additional restrictions or regulations.

17 (2) As used in this subsection, the term:

18 (A) 'Learning pod' means a voluntary association of parents choosing to group their
19 children in kindergarten through grade 12 together at various times, to include
20 traditional before and after school hours, or places to participate in or enhance a remote
21 learning option offered by their primary educational program. Payment for services by
22 parents of children who participate in a learning pod does not alter this definition of a
23 learning pod.

24 (B) 'Operation of a learning pod' means the parents of the children participating in the
25 learning pod and any other individuals assisting those parents while engaged in any
26 actions taken to organize, facilitate, or operate the learning pod and any facility, home,
27 or other structure utilized by the learning pod.

28 (C) 'Parent' means the parent or guardian of any child under the age of 18.

29 (D) 'Primary education' means any learning mode or system recognized by the state for
30 a student to participate in education in kindergarten through grade 12.

31 (3) Each learning pod shall remain subject to laws or other legal provisions relating to
32 civil rights, insurance, conflicting interest transactions, the protection of the physical
33 health and safety of its students, and the prevention of unlawful conduct, including
34 unlawful conduct in or near a public school. Otherwise, each learning pod shall be
35 exempt from statutes, rules, regulations, guidelines, or other regulatory provisions
36 imposed by the state, local governments, or local school systems, including, but not
37 limited to, the following:

38 (A) All provisions contained in this title related to elementary and secondary education
39 including, but not limited to, provisions related to staff ratios, staff certifications,
40 background checks, and minimum requirements for instructional space;

41 (B) All regulatory provisions related to the operation of a day-care or child care center
42 or an at-home day care contained in Chapter 1A of this title, including, but not limited
43 to, staff certifications, background checks, and instructional space minimum

44 requirements; provided, however, that this subsection does not alter the regulation of
45 any day-care center, child care center, or home day-care center related to any operations
46 or other matters not directly related to the operation of a learning pod;

47 (C) Any state or local building or fire codes applicable to educational or child care
48 facilities; and

49 (D) Any other state or local statute, rule, or code which would not be applicable to any
50 group, building, or facility but for the operation or presence of a learning pod.

51 (4) No state, local, or local school system employee shall initiate or conduct any site
52 inspection, site visit, or other investigation that would not have been initiated or made but
53 for the operation or presence of a learning pod.

54 (5) No school district shall take any action or in any manner discriminate against or
55 otherwise distinguish any student or parent based on their participation in a learning pod.

56 (6) No state agency, local government, or school district shall require that any learning
57 pod be in any manner required to register or otherwise report its existence or anything
58 related to the operation of a learning pod.

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

62 (8) In any administrative or judicial hearing or other action regarding this subsection, the
63 following burdens of proof may be deemed to apply by the presiding officer:

64 (A) Whether any state, local, or local school system law, regulation, guideline, or any
65 other action complies with the requirements of this subsection shall be a judicial
66 question and determined without regard to any assertion of compliance with this
67 subsection; and

68 (B) Any state, local, or local school system adopting a law, regulation, or guideline or
69 taking any other action providing for the operation of learning pods shall be required

70 to establish by clear and convincing evidence that such law, regulation, guideline, or
71 action:

72 (i) Does not unduly impede on the freedom of parents and guardians to provide care
73 and supervision of their children;

74 (ii) Does not single out educational activities while similar gatherings of children for
75 recreational or social activities remain unregulated; and

76 (iii) Is narrowly tailored to protect the public health and safety.

77 (9) The provisions of this subsection are severable. If any part of this act is declared
78 invalid or unconstitutional, that declaration shall not necessarily affect any portions which
79 remain."

80

SECTION 2.

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