

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

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

- 1 -

SECTION 1.

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

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

SECTION 2.

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

"20-2-690.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3.

Said subpart is further amended by revising subsections (a), (e), and (g) and adding a new subsection to Code Section 20-2-690.2, relating to establishment of student attendance and school climate committee, membership, summary of penalties for failure to comply, review 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.

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

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

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

SECTION 4.

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

"20-2-690.3.

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

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

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

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

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

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

(2) Each local school system that:

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

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

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