

House Bill 530

By: Representatives Hitchens of the 161st, Burns of the 159th, Cantrell of the 22nd, and Stephens of the 164th

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 students in elementary and secondary education, so as to prohibit parents or
3 guardians from withdrawing or removing a child from a public school for the purpose of
4 avoiding compliance with laws relating to mandatory attendance, school discipline, parental
5 involvement, or parental responsibilities; to provide for additional requirements with regard
6 to declarations of intent; to provide for referral to the Division of Family and Children
7 Services of the Department of Human Services for investigation and enforcement; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
12 students in elementary and secondary education, is amended by revising subsection (c) of
13 Code Section 20-2-690, relating to education entities and requirements for private schools
14 and home study programs, as follows:

15 "(c) Subject to the requirements of Code Section 20-2-785, parents ~~Parents~~ or guardians
16 may teach their children at home in a home study program which meets the following
17 requirements:

18 (1) The parent, parents, or guardian must submit within 30 days after the establishment
19 of a home study program and by September 1 annually thereafter, a declaration of intent
20 to utilize a home study program to the Department of Education, which shall provide for
21 written or electronic submittal of such declaration of intent and to the local school system
22 in which the home study program is located;

23 (2) The declaration shall include a list of the names and ages of the students who are
24 enrolled in the home study program, the address where the home study program is
25 located, the local school system in which the home study program is located, and a
26 statement of the 12 month period that is to be considered the school year for that home

27 study program. ~~Enrollment records and reports shall not be used for any purpose except~~
 28 ~~providing necessary enrollment information, except with the permission of the parent or~~
 29 ~~guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;~~

30 (3) The declaration shall state the name and location of the child's current or immediately
 31 prior public or private school or kindergarten or pre-kindergarten program and the dates
 32 of attendance of the child at such school or in such program and include a copy of the
 33 child's school attendance and disciplinary record for the prior year;

34 ~~(3)~~(4) Parents or guardians may teach only their own children in the home study
 35 program, provided that the teaching parent or guardian possesses at least a high school
 36 diploma or a general educational development diploma, but the parents or guardians may
 37 employ a tutor who holds a high school diploma or a general educational development
 38 diploma to teach such children;

39 ~~(4)~~(5) The home study program shall provide a basic academic educational program
 40 which includes, but is not limited to, reading, language arts, mathematics, social studies,
 41 and science;

42 ~~(5)~~(6) The home study program must provide instruction each 12 months to home study
 43 students equivalent to 180 school days of education with each school day consisting of
 44 at least four and one-half school hours unless the child is physically unable to comply
 45 with the rule provided for in this paragraph;

46 ~~(6)~~(7) The parent or guardian shall have the authority to execute any document required
 47 by law, rule, regulation, or policy to evidence the enrollment of a child in a home study
 48 program, the student's full-time or part-time status, the student's grades, or any other
 49 required educational information. This shall include, but not be limited to, documents for
 50 purposes of verification of enrollment by the Department of Driver Services, for the
 51 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
 52 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
 53 required to apply for the receipt of state or federal public assistance;

54 ~~(7)~~(8) Students in home study programs shall be subject to an appropriate nationally
 55 standardized testing program administered in consultation with a person trained in the
 56 administration and interpretation of norm reference tests to evaluate their educational
 57 progress at least every three years beginning at the end of the third grade and records of
 58 such tests and scores shall be retained but shall not be required to be submitted to public
 59 educational authorities; and

60 ~~(8)~~(9) The home study program instructor shall write an annual progress assessment
 61 report which shall include the instructor's individualized assessment of the student's
 62 academic progress in each of the subject areas specified in paragraph (4) of this

63 subsection, and such progress reports shall be retained by the parent, parents, or guardian
64 of children in the home study program for a period of at least three years."

65 **SECTION 2.**

66 Said article is further amended by adding a new part to read as follows:

67 "Part 5

68 20-2-785.

69 (a) No parent or guardian shall withdraw or remove a child from a public school for the
70 purposes of avoiding the requirements of any law concerning mandatory attendance, school
71 discipline, parental involvement, or parental responsibilities for the care and control of a
72 child.

73 (b) Upon receipt of a parent's or guardian's declaration of intent to enroll a child, who was
74 previously enrolled in a public school, in a home study program pursuant to subsection (c)
75 of Code Section 20-2-690, the local school system shall notify such public school. After
76 such notification of the school, if the local school system determines there are reasonable
77 grounds to believe that a parent or guardian is in violation of subsection (a) of this Code
78 section, the local school system shall refer the matter to the Division of Family and
79 Children Services of the Department of Human Services to conduct a thorough
80 investigation to determine whether there is any evidence of educational neglect. Such
81 investigation may take into consideration factors including the child's prior attendance and
82 disciplinary record, observations from the child's teachers and other school personnel, the
83 child's special educational needs, and any prior involvement of the family with law
84 enforcement or the Division of Family and Children Services of the Department of Human
85 Services.

86 (c) In the event a child is withdrawn from school without notification, or stops attending
87 school for an extended period of time and cannot be located, the local school system shall
88 refer the matter to the Division of Family and Children Services of the Department of
89 Human Services to conduct a thorough investigation."

90 **SECTION 3.**

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