

March 2012

EDUCATION Elementary and Secondary Education: Amend the Compulsory School Attendance Law, so as to Clarify Certain Provisions Relating to Mandatory Education; Provide That an Unemancipated Minor Older Than the Age of Mandatory Attendance May Not Withdraw from Enrollment in School Without the Permission of His or Her Parent or Guardian; Require Parent or Guardian Approval; Provide for a Conference with the Principal; Provide for Local Board of Education Policies; Change Certain Provisions Relating to Exemptions from Compulsory Attendance; Provide for Information Regarding School Sponsored

Recommended Citation

Georgia State University Law Review, *EDUCATION Elementary and Secondary Education: Amend the Compulsory School Attendance Law, so as to Clarify Certain Provisions Relating to Mandatory Education; Provide That an Unemancipated Minor Older Than the Age of Mandatory Attendance May Not Withdraw from Enrollment in School Without the Permission of His or Her Parent or Guardian; Require Parent or Guardian Approval; Provide for a Conference with the Principal; Provide for Local Board of Education Policies; Change Certain Provisions Relating to Exemptions from Compulsory Attendance; Provide for Information Regarding School Sponsored Clubs and Extracurricular Activities to Be Included in Student Codes of Conduct; Provide an Opportunity for Parents and Legal Guardians to Decline Permission for Participation; Provide That Student Codes of Conduct Encourage Parents and Guardians to Inform Their Children of the Consequences of Certain Conduct; Provide for Acknowledgement of Receipt of Student Codes of Conduct; Provide for School Bus Pickup Schedules; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes*, 23 GA. ST. U. L. REV. (2012).
Available at: <https://readingroom.law.gsu.edu/gsulr/vol23/iss1/13>

Clubs and Extracurricular Activities to Be Included in Student Codes of Conduct; Provide an Opportunity for Parents and Legal Guardians to Decline Permission for Participation; Provide That Student Codes of Conduct Encourage Parents and Guardians to Inform Their Children of the Consequences of Certain Conduct; Provide for Acknowledgement of Receipt of Student Codes of Conduct; Provide for School Bus Pickup Schedules; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes

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EDUCATION

Elementary and Secondary Education: Amend the Compulsory School Attendance Law, so as to Clarify Certain Provisions Relating to Mandatory Education; Provide That an Unemancipated Minor Older Than the Age of Mandatory Attendance May Not Withdraw from Enrollment in School Without the Permission of His or Her Parent or Guardian; Require Parent or Guardian Approval; Provide for a Conference with the Principal; Provide for Local Board of Education Policies; Change Certain Provisions Relating to the Minimum Annual Attendance Required; Change Certain Provisions Relating to Exemptions from Compulsory Attendance; Provide for Information Regarding School Sponsored Clubs and Extracurricular Activities to Be Included in Student Codes of Conduct; Provide an Opportunity for Parents and Legal Guardians to Decline Permission for Participation; Provide That Student Codes of Conduct Encourage Parents and Guardians to Inform Their Children of the Consequences of Certain Conduct; Provide for Acknowledgement of Receipt of Student Codes of Conduct; Provide for School Bus Pickup Schedules; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. §§ 20-2-690.1 (amended), 20-2-691 (amended), 20-2-693 (amended), 20-2-705 (amended), 20-2- 735 (amended), 20-2-736 (amended), 20-2-751.5 (amended), 20-2-1127 (amended)
BILL NUMBER:	SB 413
ACT NUMBER:	819
GEORGIA LAWS:	2006 Ga. Laws 851
SUMMARY:	The purpose of the Act is to improve the high school graduation rate in Georgia and to strengthen parent participation in student education. The Act mandates school attendance for children between their sixth and sixteenth birthdays. The Act requires

that an unemancipated minor older than the mandatory attendance age have the written permission of a parent or legal guardian to withdraw from school. The Act establishes that the school principal confer with the child and the parent or legal guardian within two days of receiving notice of the intent to withdraw, to explain the lifetime consequences of not having earned a high school diploma and to provide information about earning a general educational development (GED) diploma. The Act directs local school boards to adopt policies on the voluntary withdrawal of unemancipated minors older than the mandatory attendance age. The Act instructs schools to include specified information about school clubs and organizations in the student code of conduct distributed annually at the beginning of the school year. The Act mandates that schools include with the code of conduct a form on which a parent or guardian can decline permission for a child to participate in a designated club or organization. The Act directs schools to obtain written permission from a parent or guardian prior to a child's joining a club or organization formed during the school year. The Act requires that the code of conduct shall encourage parents and guardians to inform their children of the consequences of underage sexual conduct and crimes for which a minor can be tried as an adult. The Act directs

local school boards to solicit parent and guardian acknowledgment of their receipt of the code of conduct. The Act requires that any student handbook shall include a copy of the student code of conduct. The Act reserves the requirement that schools make accessible a schedule of school bus routes.

EFFECTIVE DATE: July 1, 2006

History

During the years 2001 through 2005, over 145,000 Georgia students dropped out of high school.¹ The graduation rate of Georgia high schools was only 65% during that time.² A 2003 study by the Manhattan Institute found that Georgia had the second lowest graduation rate in the country.³ The most successful state had a graduation rate of 89% in four years.⁴

Although the graduation rate in Georgia is improving, voters in Georgia consistently rank education as their most pressing concern, citing education more often than jobs and the economy.⁵ Education advocacy groups such as the Georgia Parent Teacher Association (“PTA”) have expressed concern about this problem through their lobbying efforts in support of legislative action.⁶

Concern about dropout rates has focused, in part, on the student’s right to make a unilateral—and unwise—choice to leave school before earning a high school diploma.⁷ Under current law, a sixteen-year-old student can decide on his own to withdraw from school, with

1. See Audio Recording of Senate Proceedings, Feb. 28, 2006 (remarks by Sen. Dan Moody), http://www.georgia.gov/00/article/0,2086,4802_6107103_47120055,00.html [hereinafter Senate Audio].

2. See *id.*

3. See Diana Jean Schemo, *Graduation Study Suggests That Some States Sharply Understate High School Dropout Rates*, N.Y. TIMES, Sept. 19, 2003, at B9.

4. See *id.*

5. See Bridget Gutierrez, *Perdue Heeds Political Lesson*, ATLANTA J.-CONST., Jan. 1, 2006, at C1.

6. See Telephone Interview with Jennifer Rippner, Education Policy Adviser to Governor Sonny Perdue (Mar. 22, 2006) [hereinafter Rippner Interview].

7. See Senate Audio, *supra* note 1 (remarks by Sen. Moody).

no involvement from a parent or guardian or a school administrator.⁸ There is near unanimity among education advocates and legislators on the need for Georgia to address the dropout rate by requiring a parent's or guardian's written permission for an unemancipated minor to leave school before earning a diploma.⁹

Controversy has long been brewing, however, regarding whether children should make decisions about participating in extracurricular activities without parental or guardian consent.¹⁰ In the 2005 legislative session, both the House and the Senate discussed proposals to require written permission from parents before children could participate in most after-school activities.¹¹ Senator Nancy Schaefer of the 50th district introduced SB 149; Representative Bobby Reese of the 98th district introduced HB 661.¹² Both proponents and opponents of the legislation said the debate was intense because "it deals with the respective rights of parents and their children."¹³

Many agree that the initial impetus for such legislation came in response to an incident in White County, Georgia, where high school students were denied permission by the White County school district to form a chapter of a gay advocacy group, the Gay-Straight Alliance.¹⁴ The school district justified the prohibition by pointing to a mandate that all clubs be curriculum-related, but critics of the policy noted that the rule was instituted soon after the club formed and that a dance club and a shooting club were allowed to meet,

8. See O.C.G.A. § 20-2-690.1 (2006); Senate Audio, *supra* note 1 (remarks by Sen. Moody).

9. See Senate Audio, *supra* note 1 (remarks by Sen. Moody). In his introductory remarks, Senator Moody said, "I am not aware of any opposition to [this proposal]." *Id.*

10. See Bridget Gutierrez, *House OKs Bill to Have Parents Notify Schools of Club Objections*, ATLANTA J.-CONST., Feb. 16, 2006, at C8.

11. See SB 149, 2005 Ga. Gen. Assem.; HB 661, 2005 Ga. Gen. Assem. See also Mary MacDonald, *Schools Consider Clubs Policy*, ATLANTA J.-CONST., Jan. 18, 2006, at D3.

12. See SB 149, as introduced, 2005 Ga. Gen. Assem.; HB 661, as introduced, 2005 Ga. Gen. Assem.

13. Brandon Larrabee, *Parents' Choices Crucial Part of School Club Rule*, AUGUSTA CHRON., Feb. 20, 2006, at B11.

14. See Sonji Jacobs, *Senate Passes School Club Bill*, ATLANTA J.-CONST., Mar. 1, 2006, at B4; Kamille Bostick & Alex Thurmond, *In Need of Support; Teens Face Abuse, Challenges when They Choose to be Openly Gay*, AUGUSTA CHRON., Feb. 14, 2006, at A9.

suggesting that the White County school district policy was a sham attempt to squelch support for a gay student organization.¹⁵

The main difference between the 2005 House and Senate proposals was that the Senate proposed an “opt-in” solution, meaning that no student could join a club without parental permission, while the House bill was an “opt-out” proposal, allowing students to join any club unless a parent objected in writing.¹⁶

One of the top sponsors of the opt-out proposal in both the 2005 and 2006 sessions, Representative Sue Burmeister of the 119th District, reflected the strong conservative movement for parental control when she said, “The school boards intrude on parental authority. . . . [and] I think this is a way to have the parents take an active role.”¹⁷ She described the measure as a “superb attempt at fostering more communication between students and parents.”¹⁸ Supporters of the measure said it “puts parents back in charge.”¹⁹ Groups representing the religious right, such as the Concerned Women for America of Georgia, the Georgia Family Council, and the Christian Coalition, have expressed strong support for the measure.²⁰ Supporters deny that the proposal came about because of the conflict over student gay-straight alliances.²¹

Critics, however, charge that proposals requiring parental permission are designed to prevent teens from joining groups that try to help them sort out issues related to homosexuality.²² Gay advocacy groups, including YouthPride, have charged that the Act was “driven by ‘hatred’ and ‘prejudice.’”²³

Critics of such measures also include teachers and school administrators, who decry the needless and costly burden they predict

15. See Jacobs, *supra* note 14; Patti Ghezzi, *ACLU Files Suit vs. District over School Clubs Rule*, ATLANTA J.-CONST., Feb. 28, 2006, at B3.

16. See Walter C. Jones, *School Club Rule Clears the Senate, Quietly*, FLA. TIMES-UNION, Mar. 1, 2006, at A1.

17. Donnie Fetter, *Bills Bashed for Affecting Clubs*, AUGUSTA CHRON., Jan. 19, 2006, at B2.

18. Sue Burmeister, Editorial, *Inform Parents of School Activities*, AUGUSTA CHRON., Feb. 1, 2006, at A5.

19. See Jones, *supra* note 16.

20. See Bridget Gutierrez, *“Clubs Bill” Gets OK from Panel*, ATLANTA J.-CONST., Feb 2, 2006, at F5.

21. See Bostick & Thurmond, *supra* note 14.

22. See Jones, *supra* note 16.

23. Gutierrez, *supra* note 20.

will be inflicted upon schools.²⁴ They say that it will overload schools with paperwork, adding layers to an already bloated bureaucracy and infringing upon a school board's local control.²⁵

State lawmakers decided to halt discussions of this matter when state Superintendent of Schools, Kathy Cox, promised to bring the issue to the State Board of Education.²⁶ In June 2005, however, the Board of Education rejected a proposal that would have required parental permission for student membership in an extracurricular club or organization.²⁷

Anticipating that a legislative mandate would be revived in the 2006 session, the Georgia School Boards Association suggested that local school districts decide on their own appropriate policies.²⁸ The Association sent sample policies to each school system, with choices ranging from proposals similar to what legislators had considered to proposals that school systems take no action at all.²⁹ About one-third of districts had taken some action on this issue by the time legislators revived the proposal in the 2006 session.³⁰

As the topic came under renewed consideration in the 2006 legislative session, the American Civil Liberties Union of Georgia filed a lawsuit against the White County School District, claiming that school officials violated students' rights under the federal Equal Access Act by not allowing the Gay-Straight Alliance to meet.³¹

Another cause for concern in recent years has been keeping children safe from predators.³² A recent change in the law, mandating that school systems make accessible information concerning bus routes and schedules, had unintended consequences, with some districts complaining about the high cost of compliance.³³ Additionally, parents and others expressed concern that such

24. See Mary MacDonald, *Club Rules May Change: Policy Would Let Parents Veto Activities*, ATLANTA J.-CONST., Jan. 19, 2006, at Northside section.

25. See *id.*; Fetter, *supra* note 17.

26. See MacDonald, *supra* note 11.

27. See *id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. See Jacobs, *supra* note 14.

32. See Telephone Interview with Sen. Dan Moody, Senate District No. 56 (Apr. 18, 2006) [hereinafter Moody Interview].

33. See *id.*

information could easily fall into the hands of predators.³⁴ The information may be public, but according to Senator Moody, “there is no reason we should make it [available to predators].”³⁵

Bill Tracking of SB 413

Consideration and Passage by the Senate

On January 12, 2006, the Senate began consideration of SB 413, the compulsory school attendance law.³⁶ Senator Dan Moody of the 56th District sponsored SB 413.³⁷ On January 12, 2006, the Senate first read SB 413, and the bill was assigned to the Education and Youth Committee.³⁸

On January 23, 2006, when the Committee began consideration of this topic by discussing SB 149, held over from the 2005 session, committee member Senator Regina Thomas of the 2nd district alleged that the Committee pushed through the bill unexpectedly and without enough notice to interested parties.³⁹ Senator Thomas filed an official report objecting to the Committee’s move.⁴⁰ The Chairman of the Committee, Senator Dan Moody of the 56th District, responded that it was appropriate to move along items lingering from the last session during the Committee’s first meeting of the 2006 session.⁴¹

The Committee favorably reported a substituted SB 413 to the Senate on February 22, 2006.⁴² There were several minor changes to the bill. The substituted bill clarified that mandatory attendance was required for children ages six through fifteen, rather than between ages six and sixteen.⁴³ The ages for mandatory school attendance did

34. *See id.*

35. *Id.*

36. *See* State of Georgia Final Composite Status Sheet, SB 413, Jan. 12, 2006 (Mar. 30, 2006).

37. *See* SB 413, as introduced, 2006 Ga. Gen. Assem.

38. *See* State of Georgia Final Composite Status Sheet, SB 413, Jan. 12, 2006 (Mar. 30, 2006).

39. *See* Vicky Eckenrode, *Democrat Calls Vote for School Bill Abrupt*, AUGUSTA CHRON., Jan. 25, 2006, at B2.

40. *See id.*

41. *Id.*

42. *See* State of Georgia Final Composite Status Sheet, SB 413, Feb. 22, 2006 (Mar. 30, 2006).

43. *See* Rippner Interview, *supra* note 6. *Compare* SB 413, as introduced, 2006 Ga. Gen. Assem., with SB 413 (SCS), 2006 Ga. Gen. Assem.

not change; rather, this was a “legislative drafting” clarification.⁴⁴ The substituted bill also required that the school principal provide information about earning a GED diploma during the required withdrawal conference with the student and parent or guardian.⁴⁵ The substituted bill further mandated that the Department of Education provide model forms to all local school superintendents for the parent or guardian signature requirement, and that the form contain information explaining the consequences of withdrawing from high school without earning a diploma.⁴⁶

During the Senate debate of SB 413 on February 28, 2006, Senator Schaefer proposed a floor amendment, which was essentially the proposed legislation contained in the 2005 version of SB 661, requiring schools to obtain the written permission of a parent or guardian prior to allowing a child to join a school club.⁴⁷ Senator Schaefer expressed concern that schools do not consult enough with parents on matters concerning a child’s education.⁴⁸ With little discussion, the amendment was attached to SB 413.⁴⁹

Senator Thomas again offered a procedural objection, this time suggesting that the amendment was out of order because it was not germane to the subject of the bill, as required by Senate rules.⁵⁰ The President of the Senate, Mark Taylor, found that the amendment was germane and the Senate Parliamentarian agreed.⁵¹ Both the amendment and SB 413 deal with the same section of Georgia law: Chapter 2 of Title 20, Elementary and Secondary Education.⁵²

Representative Brian Kemp of the 46th District offered a second floor amendment, removing language in the current law that required public school systems to make school bus routes and schedules accessible.⁵³ In introducing the amendment, which was designed to

44. Rippner Interview, *supra* note 6.

45. Compare SB 413, as introduced, 2006 Ga. Gen. Assem., with SB 413 (SCS), 2006 Ga. Gen. Assem.

46. Compare SB 413, as introduced, 2006 Ga. Gen. Assem., with SB 413 (SCS), 2006 Ga. Gen. Assem.

47. See SB 413 (SCSFA), 2006 Ga. Gen. Assem.; Senate Audio, *supra* note 1.

48. See Senate Audio, *supra* note 1.

49. See *id.*

50. *Id.*

51. *Id.*

52. Compare SB 413 (SCS), 2006 Ga. Gen. Assem., with SB 413 (SCSFA), 2006 Ga. Gen. Assem.

53. See SB 413 (SCSFA), 2006 Ga. Gen. Assem.

reduce the number of legislative directives with which schools must comply, Representative Kemp noted, “This doesn’t need to be mandated by the state government. We should let local school districts handle this.”⁵⁴ Again, with little discussion, the amendment was approved and attached to SB 413.⁵⁵

The compulsory school attendance law, with both amendments attached, passed the Senate by a vote of 42 to 9 on February 28, 2006.⁵⁶

Consideration and Passage by the House

SB 413 was read for the first time in the House on March 1, 2006 and sent to the Committee on Education by the Speaker of the House.⁵⁷ The Committee favorably reported a substitute bill to the full House on March 22, 2006.⁵⁸ The substitute bill included several changes regarding the process by which unemancipated minors can withdraw from school.⁵⁹ The ages of mandatory school attendance remained the same but once again were redrafted, this time covering children “between their sixth and sixteenth birthdays.”⁶⁰ The House substitute bill directed that during the mandated conference among the school principal, child, and parent or guardian, the principal make “a reasonable attempt” to share with the student “educational options available,” including the GED diploma.⁶¹ Further, the House substitute bill required that a model form, provided to schools by the Department of Education for the parent’s or guardian’s signed permission for withdrawal, include information about the consequences of not earning a high school diploma, including lower

54. Senate Audio, *supra* note 1.

55. *See id.*

56. *See* Georgia Senate Voting Record, SB 413 (Feb. 28, 2006); State of Georgia Final Composite Status Sheet, SB 413, Feb. 28, 2006 (Mar. 30, 2006).

57. Audio Recording of House Proceedings, Mar. 1, 2006, http://www.georgia.gov/00/article/0,2086,4802_6107103_47120020,00.html.

58. *See* Audio Recording of House Proceedings, Mar. 22, 2006, http://www.georgia.gov/00/article/0,2086,4802_6107103_47120020,00.html.

59. *Compare* SB 413, as passed Senate, 2006 Ga. Gen. Assem., *with* SB 413 (HCS), 2006 Ga. Gen. Assem.

60. *Compare* SB 413, as passed Senate, 2006 Ga. Gen. Assem., *with* SB 413 (HCS), 2006 Ga. Gen. Assem.

61. *Compare* SB 413, as passed Senate, 2006 Ga. Gen. Assem., *with* SB 413 (HCS), 2006 Ga. Gen. Assem.

earnings and fewer jobs, as well as information about the GED diploma.⁶²

The most important change in the House substitute bill, however, concerned the provision regarding school clubs, replacing the opt-in process of the Senate bill with an opt-out process.⁶³ The House proposal placed responsibility on parents and guardians to notify schools that they have withheld permission for their child to participate in a particular club or organization.⁶⁴ “Clubs and organizations” were defined and distinguished from “competitive interscholastic activity” in the House substitute bill, which required schools to provide specified information regarding each club and organization at the beginning of the year and to provide an opportunity for a parent or guardian to withhold permission for a child to participate in clubs and organizations.⁶⁵

The Education Committee favorably reported its substitute bill to the House, which then passed the SB 413 substitute by a unanimous vote of 141 members.⁶⁶

On March 28, 2006, with the Senate disagreeing and the House insisting, the leadership of both houses appointed a Conference Committee.⁶⁷ On March 30, 2006, the Conference Committee adopted a substitute to SB 413 that retained all of the provisions of the House bill regarding mandatory attendance and procedures for the withdrawal of an unemancipated minor, but made substantial changes to the both the House and Senate measures regarding school clubs and organizations.⁶⁸

The Conference Committee substitute bill requirements regarding school clubs reflected a blend of approaches.⁶⁹ The substitute bill

62. Compare SB 413, as passed Senate, 2006 Ga. Gen. Assem., with SB 413 (HCS), 2006 Ga. Gen. Assem.

63. Compare SB 413, as passed Senate, 2006 Ga. Gen. Assem., with SB 413 (HCS), 2006 Ga. Gen. Assem.

64. See SB 413 (HCS), 2006 Ga. Gen. Assem.

65. See *id.*

66. See Georgia House of Representatives Voting Record, SB 413, Mar. 24, 2006; State of Georgia Final Composite Status Sheet, SB 413, Mar. 24, 2006 (Mar. 30, 2006).

67. See Georgia General Assembly, SB 413 Bill Tracking, http://www.legis.state.ga.us/legis/2005_06/sum/sb413.htm; State of Georgia Final Composite Status Sheet, SB 413, Mar. 28, 2006 (Mar. 30, 2006).

68. Compare SB 413 (CCS), 2006 Ga. Gen. Assem., with SB 413 (SCSFA), 2006 Ga. Gen. Assem. and SB 413 (HCS), 2006 Ga. Gen. Assem.

69. See Moody Interview, *supra* note 32.

mandated that schools provide specified information about school clubs and organizations in the student code of conduct, which is distributed annually at the beginning of each school year.⁷⁰ The Conference Committee substitute bill required that schools include a form for a parent or guardian to decline permission for a student to participate in a designated club, thus incorporating the opt-out process of the original House measure.⁷¹ For clubs organized after the start of the school year, however, local schools must obtain written permission of a parent or guardian prior to a student's participation, reflecting the Senate's opt-in version of the measure.⁷²

Further, the Conference Committee substitute bill added several requirements regarding the student code of conduct developed by local boards of education: it shall encourage parents and guardians to inform children of the consequences of underage sexual conduct and crimes for which a minor can be charged as an adult; it shall be distributed to each student at the beginning of the year; local school boards shall solicit or require a parent's or guardian's signature upon receipt of the code of conduct; and any student handbook prepared by a school shall contain the entire code of conduct rather than a summary.⁷³ By directing schools to use the code of conduct as the vehicle to distribute newly mandated information and permission forms about clubs and organizations, Conference Committee members addressed the concerns of school officials who feared increased paperwork and expense.⁷⁴

On March 30, 2006, the House adopted the Conference Committee substitute bill by a vote of 155 to 0.⁷⁵ Later that same day, the Senate adopted the Conference Committee substitute bill by a vote of 52 to 1.⁷⁶

70. See SB 413 (CCS), 2006 Ga. Gen. Assem.

71. Compare SB 413 (CCS), 2006 Ga. Gen. Assem., with SB 413 (HCS), 2006 Ga. Gen. Assem.

72. Compare SB 413 (CCS), 2006 Ga. Gen. Assem., with SB 413 (SCS), 2006 Ga. Gen. Assem.

73. See SB 413 (CCS), 2006 Ga. Gen. Assem.

74. See Moody Interview, *supra* note 32.

75. See Georgia House Voting Record, SB 413 (CCS), Mar. 30, 2006; State of Georgia Final Composite Sheet, SB 413, Mar. 30, 2006 (Mar. 30, 2006).

76. See Georgia Senate Voting Record, SB 413 (CCS), Mar. 30, 2006; State of Georgia Final Composite Status Sheet, SB 413, Mar. 30, 2006 (Mar. 30, 2006).

The General Assembly sent the bill to the Governor for his signature on April 13, 2006.⁷⁷

The Act

The Act amends Code section 20-2-690.1, relating to mandatory education for children, by clarifying that children between their sixth and sixteenth birthdays are compelled to attend school.⁷⁸ The Act requires an unemancipated minor who wishes to withdraw from school before earning a high school diploma to have the written permission of a parent or guardian.⁷⁹ The Act directs the school principal to convene a conference with the child and parent or guardian within two days of receiving such permission, to explain the consequences of not earning a high school diploma, such as lower lifetime earnings and fewer job opportunities, and to explain other educational options available, such as a GED diploma.⁸⁰

The Act amends Code section 20-2-691, relating to minimum annual attendance, establishing that mandatory attendance shall not be required where the child has successfully completed all requirements for a high school diploma.⁸¹

The Act amends Code section 20-2-693, relating to exemptions from compulsory attendance, establishing that the age of mandatory attendance, for purposes of policies regarding excused absences from school, is as required in Code section 20-2-690.1(a), “children between their sixth and sixteenth birthdays.”⁸²

The Act amends Code section 20-2-1127, relating to accessibility of a schedule of school bus routes, by striking the section in its entirety.⁸³

The Act amends Code section 20-2-705 by defining school clubs and organizations and distinguishing them from competitive

77. See Georgia General Assembly, SB 413 Bill Tracking, http://www.legis.state.ga.us/legis/2005_06/sum/sb413.htm.

78. See O.C.G.A. § 20-2-690.1 (Supp. 2006).

79. See *id.*

80. *Id.*

81. See O.C.G.A. § 20-2-691 (Supp. 2006).

82. See O.C.G.A. § 20-2-693 (Supp. 2006).

83. See O.C.G.A. § 20-2-1127 (Supp. 2006).

interscholastic activity.⁸⁴ The Act requires local boards of education to include specified information about school clubs and organizations in the student code of conduct distributed at the beginning of each school year and to include a form for a parent or guardian to decline permission for a student to participate in a designated club or organization.⁸⁵ The Act also requires schools to obtain the written permission of a parent or guardian prior to a student's joining a club or organization formed during the school year.⁸⁶

The Act amends Code section 20-2-735, relating to discipline of students, mandating that the student code of conduct shall encourage parents and guardians to inform students of the consequences of underage sexual conduct and crimes for which a minor may be tried as an adult.⁸⁷

The Act amends Code section 20-2-736, relating to distribution of student codes of conduct, requiring local school boards to distribute the codes of conduct at the beginning of each school year.⁸⁸ The Act mandates that local school boards shall require students and parents or guardians to acknowledge, in writing, that they have received the code of conduct.⁸⁹ The Act establishes that a parent or guardian who does not acknowledge receipt is not thereby absolved of any responsibility with respect to the information contained in the code of conduct.⁹⁰

The Act amends Code section 20-2-751.5, relating to student codes of conduct, mandating that any student handbook prepared by a local board or school must include a student code of conduct and a form for acknowledgement of receipt of the code of conduct.⁹¹

Analysis

The Act began as a bill about parental notification and involvement in schools, but through the legislative process, it became a broader

84. See O.C.G.A. § 20-2-705 (Supp. 2006).

85. See *id.*

86. See *id.*

87. See O.C.G.A. § 20-3-735 (Supp. 2006).

88. See O.C.G.A. § 20-2-736 (Supp. 2006).

89. See *id.*

90. *Id.*

91. See O.C.G.A. § 20-2-751.5 (Supp. 2006).

and, some say, a “better” measure.⁹² The Act proposes to improve education in Georgia in three ways.⁹³ First, the Act will likely improve Georgia’s high school graduation rate because the requirement that an unemancipated minor have the written permission of a parent or guardian prior to withdrawing from school without a high school diploma makes it less likely that children will drop out of school on their own.⁹⁴ The required conference among the student, parent or guardian, and school principal will make clear the dire income and employment consequences of leaving school without a diploma.⁹⁵ Sponsors of the Act tout the measure’s widespread support among educators and parents.⁹⁶

Second, the Act promotes parental involvement in their children’s education by involving parents in the process of children’s participation in school clubs and organizations.⁹⁷ The debate on this issue has been controversial, with “sharp lines” drawn, but the Act reflects a blend of approaches, lessening the prospect for continued divisiveness.⁹⁸ Both opt-out and opt-in proposals are incorporated in the Act.⁹⁹

Third, the Act promotes the involvement of parents and guardians in school disciplinary proceedings by requiring that they acknowledge the receipt of the student code of conduct, and by requiring that the code of conduct encourage parents and guardians to discuss with their children the consequences of certain criminal behavior.¹⁰⁰ An added advantage of utilizing the already mandated student code of conduct as the method for schools to inform parents about school clubs and organizations is that it addressed criticism from school officials that permission requirements would be costly and involve excessive paperwork.¹⁰¹

92. Moody Interview, *supra* note 32.

93. See O.C.G.A. § 20-2-690.1 (Supp. 2006); O.C.G.A. § 20-2-705 (Supp. 2006); O.C.G.A. §§ 20-2-735 to -736 (Supp. 2006).

94. See O.C.G.A. § 20-2-690.1 (Supp. 2006).

95. See O.C.G.A. § 20-2-690.1 (Supp. 2006).

96. See Senate Audio, *supra* note 1 (remarks by Sen. Moody).

97. See Moody Interview, *supra* note 32.

98. *Id.*

99. See O.C.G.A. § 20-2-705 (Supp. 2006).

100. See O.C.G.A. §§ 20-2-735 to -736 (Supp. 2006).

101. Moody Interview, *supra* note 32.

As Senator Dan Moody, sponsor of the Act, acknowledged, “There is no single solution that fits every case.”¹⁰² The Act began as a means to address concerns about abysmal graduation rates in Georgia, but the involvement of more members in the House and Senate and the work of opponents and ardent interest groups on all sides led to a carefully negotiated measure that reflects a combination of solutions.¹⁰³

Millie Baumbusch

102. *Id.*

103. *See id.*