

Senate Bill 449

By: Senators Dixon of the 45th, Tippins of the 37th, Payne of the 54th, Kennedy of the 18th, Hatchett of the 50th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 5 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to review of removal of students in elementary and secondary education,
3 so as to provide for the protection of the fundamental right of parents to direct the upbringing
4 and education of their minor children from undue infringement by a state or local
5 government entity, local board of education or other governing body, or any officer,
6 employee, or agent thereof; to provide for a short title; to provide for legislative findings; to
7 provide for definitions; to require school and school system governing bodies to adopt
8 policies or regulations that promote parental involvement in public schools; to provide for
9 policy or regulation requirements; to provide for a process by which parents shall have access
10 to certain information; to provide for appeals; to provide for construction; to prohibit certain
11 waivers; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Part 5 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
15 relating to review of removal of students in elementary and secondary education, is amended
16 by adding a new Code section to read as follows:

S. B. 449

17 "20-2-786.

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

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

24 (c) As used in this Code section, the term:

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

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

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

34 (4) 'Parent' means a person who has legal authority to act on behalf of a minor child as
35 a natural or adoptive parent or a legal guardian.

36 (5) 'Review period' means the first two weeks of each nine-week grading period of the
37 school year; provided, however, that for schools that do not implement nine-week grading
38 periods, the term 'review period' means the first two weeks of each grading period of the
39 school year.

40 (d) No state or local government entity, governing body, or any officer, employee, or agent
41 thereof may infringe on the fundamental right of a parent to direct the upbringing and
42 education of his or her minor child without demonstrating that such action is reasonable

43 and necessary to achieve a compelling state interest and that such action is narrowly
44 tailored and is not otherwise served by less restrictive means.

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

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

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

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

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

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

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

64 (G)(i) The right to request, in writing, from the local school superintendent or school
65 principal the information provided for in this Code section. The local school
66 superintendent or school principal shall produce such information for inspection
67 within a reasonable amount of time not to exceed three business days of receipt of a
68 request. In those instances where some, but not all, information requested is available
69 for inspection within three business days, the local school superintendent or school

70 principal shall make available within that period such information that is available for
71 inspection. In any instance where some or all of such information is unavailable
72 within three business days of receipt of the request, and such information exists, the
73 local school superintendent or school principal shall, within such time period, provide
74 the requester with a description of such information and a timeline for when the
75 information will be available for inspection and shall provide the information or
76 access thereto as soon as practicable but in no case later than 30 days of receipt of the
77 request.

78 (ii) If the local school superintendent or school principal denies a parent's request for
79 information or does not provide existing responsive information within 30 days, the
80 parent may appeal such denial or failure to respond to the governing body. The
81 governing body must place such appeal on the agenda for its next public meeting. If
82 it is too late for such appeal to appear on the next meeting's agenda, the appeal must
83 be included on the agenda for the subsequent meeting.

84 (iii) A parent aggrieved by the decision of the governing body may appeal such
85 decision to the State Board of Education as provided in subsection (b) of Code
86 Section 20-2-1160.

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

91 (f) Each governing body shall, in consultation with parents, teachers, and administrators,
92 develop and adopt a policy or regulation to promote parental involvement in the public
93 schools. Such policy or regulation shall be posted on each governing body's public
94 website, and a copy of such policy or regulation shall be available for review on site upon
95 request by a parent. Such policy or regulation shall include:

96 (1) Procedures for a parent to review records relating to his or her minor child;

97 (2)(A) Procedures for a parent to learn about his or her minor child's courses of study,
98 including, but not limited to, parental access to instructional materials intended for use
99 in the classroom. Instructional materials intended for use in his or her minor child's
100 classroom shall be made available for parental review during the review period. If such
101 instructional materials are not made available by a school or local school system for
102 review online, then they shall be made available for review on site upon a parent's
103 request made during the review period.

104 (B) Procedures for a parent to object to instructional materials intended for use in his
105 or her minor child's classroom or recommended by his or her minor child's teacher;

106 (3) Procedures for a parent to withdraw his or her minor child from the school's
107 prescribed course of study in sex education if the parent provides a written objection to
108 his or her minor child's participation. Such procedures must provide for a parent to be
109 notified in advance of such course content so that he or she may withdraw his or her
110 minor child from the course; and

111 (4) Procedures for a parent to provide written notice that photographs or video or voice
112 recordings of his or her child are not permitted, subject to applicable public safety and
113 security exceptions.

114 (g) This Code section does not and shall not be construed to:

115 (1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful
116 or to abuse or neglect his or her minor child in violation of the law;

117 (2) Prohibit a judge or officer of a court of competent jurisdiction, law enforcement
118 officer, or any agent of a state or local government entity that is responsible for child
119 welfare from acting in his or her official capacity within the reasonable and prudent scope
120 of his or her authority;

121 (3) Prohibit a court of competent jurisdiction from issuing an order that is otherwise
122 permitted by law; or

123 (4) Apply to a parental action or decision that would end life.

124 (h) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
125 a strategic waivers school system, Code Section 20-2-2063.2 for a charter system, Code
126 Section 20-2-2065 for a charter school, or Code Section 20-2-244."

127 **SECTION 2.**

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