

## GEORGIA

**Compulsory Attendance Ages:** “Between their 6th and 16th birthdays.” Ga. Code Ann. § 20-2-690.1. However, if a child is under 7 and has attended more than 20 days in a Georgia public school, the child is subject to the compulsory attendance laws. Ga. Code Ann. § 20-2-150(c).

**Required Days of Instruction:** The equivalent of 180 school days of at least 4.5 hours per day. Ga. Code Ann. § 20-2-690(c)(5).

**Required Subjects:** A basic academic educational program that includes, but is not limited to, reading, language arts, math, social studies, and science. Ga. Code Ann. § 20-2-690(c)(4).

**Homeschool Statute:** Section 20-2-690(c) of the Official Code of Georgia Annotated.

1. Parents must submit a declaration of intent to utilize a home study program to the Georgia Department of Education within 30 days after the establishment of the home study program and by September 1 every year thereafter. The Department of Education shall provide for written or electronic submittal of the declaration. This declaration must include the names and ages of students, the location of the home study program, the local school system in which the home study program is located, and the 12-month period that will be the school year of the home study program. Ga. Code Ann. § 20-2-690(c)(1)–(2).
2. The home study program must provide “a basic academic educational program.” Ga. Code Ann. § 20-2-690(c)(4). (See “Required Subjects” above.)
3. During each school year, the home study program must provide the *equivalent* of 180 days of education with each day consisting of at least four and one-half school hours, unless the child is physically unable to comply with this requirement. Ga. Code Ann. § 20-2-690(c)(5).
4. Parent must write an annual progress report for each child in the required subjects and retain it for at least three years. Ga. Code Ann. § 20-2-690(c)(8).
5. “Parents or guardians may teach only their own children in the home study program . . . but the parents or guardians may employ a tutor who holds at least a high school diploma or a GED equivalency diploma to teach such children.” Ga. Code Ann. § 20-2-690(c)(3).
6. The parent or guardian has the authority to execute any document required to evidence enrollment of a child in a home study program, the student’s full-time or part-time status, the student’s grades, or any other educational information. This includes verification of attendance by the Department of

Driver Services, documents relating to the employment of minors, and documents to apply for state or federal public assistance. Ga. Code Ann. § 20-2-690(c)(6).

7. According to the Attorney General of Georgia, the local superintendent does not have the authority to require parents to affirmatively produce evidence of their continuing compliance with the law in the operation of home study programs or require the production of documents. Although the superintendent has the authority to “request” such materials, he cannot require parents to submit them. 1986 Op. Atty Gen. Ga. 173.
8. Historical Context: The current homeschool statute resulted from a decision by the Georgia Supreme Court, *Roemhild v. Georgia*, 308 S.E.2d 154 (Ga. 1983), which found the former law to be “unconstitutionally vague.” *Roemhild*, 308 S.E.2d at 159. The Court reasoned: “We conclude that the statute is not sufficiently definite to provide a person of ordinary intelligence, who desires to avoid its penalties, fair notice of what constitutes a ‘private school’.” *Roemhild* at 158. “Furthermore, the statute violated a second due process value in that it impermissibly delegates to local law enforcement officials, judges, and juries the policy decision of what constitutes a private school.” *Id.*

**Teacher Qualifications:** The “teaching parent” or tutor must have at least a high school diploma or a GED diploma. Ga. Code Ann. § 20-2-690(c)(3).

**Standardized Tests:** Children must take a nationally standardized achievement test at least every three years beginning at the end of the third grade. The test must be administered in consultation with a person trained in the administration and interpretation of norm reference tests. Test scores must be retained but are not required to be submitted to public school authorities. Ga. Code Ann. § 20-2-690(c)(7).