

# Ga. Code § 20-2-786

Section 20-2-786 - [Parents' Bill of Rights]

- (a) This Code section shall be known and may be cited as the "Parents' Bill of Rights."
- (b) The General Assembly finds that it is a fundamental right of parents to direct the upbringing and education of their minor children. The General Assembly further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor child's education.
- (c) As used in this Code section, the term:
- (1) 'Governing body' shall have the same meaning as provided in subsection (a) of Code Section 20-2-167.1.
  - (2) 'Instructional material' means instructional materials and content, as defined by the State Board of Education pursuant to Code Section 20-2-1010, and locally approved instructional materials and content, as defined in subsection (a) of Code Section 20-2-1017.
  - (3) 'Minor child' means a person who is less than 18 years of age and who has not been emancipated by operation of law or by court order pursuant to Code Section 15-11-727 or as otherwise provided by law.
  - (4) 'Parent' means a person who has legal authority to act on behalf of a minor child as a natural or adoptive parent or a legal guardian.
  - (5) 'Review period' means the first two weeks of each nine-week grading period of the school year; provided, however, that for schools that do not implement nine-week grading periods, the term 'review period' means the first two weeks of each grading period of the school year.
- (d) No state or local government entity, governing body, or any officer, employee, or agent thereof may infringe on the fundamental right of a parent to direct the upbringing and education of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by less restrictive means.
- (e)
- (1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from a state or local government entity, governing body, or any officer, employee, or agent thereof, including, but not limited to:
    - (A) The right to direct the upbringing and the moral or religious training of his or her minor child;
    - (B) The right to review all instructional materials intended for use in the classroom of his or her minor child;

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

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

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

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

(G)

(i) The right to request, in writing, from the local school superintendent or school principal the information provided for in this Code section. The local school superintendent or school principal shall produce such information for inspection within a reasonable amount of time not to exceed three business days of receipt of a request. In those instances where some, but not all, information requested is available for inspection within three business days, the local school superintendent or school principal shall make available within that period such information that is available for inspection. In any instance where some or all of such information is unavailable within three business days of receipt of the request, and such information exists, the local school superintendent or school principal shall, within such time period, provide the requester with a description of such information and a timeline for when the information will be available for inspection and shall provide the information or access thereto as soon as practicable but in no case later than 30 days of receipt of the request.

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

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

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

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

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

**(2)**

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

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

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

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

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

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

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

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

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

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

*OCGA § 20-2-786*

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