

House Bill 202

By: Representatives Schofield of the 63<sup>rd</sup>, Scott of the 76<sup>th</sup>, Carter of the 93<sup>rd</sup>, Holland of the 54<sup>th</sup>, and Gilliard of the 162<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of  
2 Georgia Annotated, relating to compulsory attendance for students in elementary and  
3 secondary education, so as to provide that student performers shall not be counted absent  
4 from school due to performing in certain productions, subject to certain conditions; to  
5 provide that the instruction and related services provided by a studio teacher to a student  
6 performer are aligned with the curriculum and content standards being delivered at the  
7 student performer's school under certain circumstances; to provide for performance  
8 certification forms and certification; to authorize the Department of Labor, in consultation  
9 with the Department of Education, to develop such certification forms and promulgate rules  
10 and regulations; to provide for authorizations by parents or guardians relating to the  
11 education records of student performers; to provide for definitions; to provide a short title;  
12 to provide for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Education on Set Act."

H. B. 202

**SECTION 2.**

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Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, is amended by adding a new Code section to read as follows:

"20-2-692.4.

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

(1) 'Child labor coordinator' means the person who is designated by the employing unit as responsible for the coordination and safety of the student performer, including, but not limited to, ensuring that the student performer is provided instruction and related services by a studio teacher.

(2) 'Employing unit' means the person, agency, association, company, corporation, group, or other organization using the services of a student performer.

(3) 'Performance' or 'performing' means participation in a production that is available to the public, will be made available to the public, or is intended to be made available to the public.

(4) 'Production' means a work that is being presented, will be presented, or is intended to be presented by way of, but not limited to, the following: stage, screen, television, internet, digital recording, video tape, audio tape, still photographic or phonographic recording of any kind, open air, or runway modeling. A production shall include an exhibition, as defined by the Department of Labor, but shall not include any participation or performance related to a production or exhibition produced exclusively by a public school, private school, or religious organization if such public school, private school, or religious organization has not been issued a current employing unit certification by the Department of Labor.

(5) 'Student performer' means a person under 18 years of age who is enrolled in a public pre-kindergarten program or elementary or secondary school located in this state, who has been issued a current minor's certification by the Department of Labor or current

43 written consent by the Commissioner of Labor as provided in Code Section 39-2-18, and  
44 who is performing in a production. Such term shall also mean a person over the age of  
45 18 who is currently enrolled in a public secondary school located in this state and who  
46 is performing in a production.

47 (6) 'Studio teacher' means a person who is certified as a studio teacher by the Department  
48 of Labor, who holds a valid five-year induction or professional certificate issued by the  
49 Georgia Professional Standards Commission, or who meets the requirements of rules or  
50 regulations promulgated by the State Board of Education for providing instruction and  
51 related services to student performers.

52 (b) A student performer who is performing during all or part of one or more school days  
53 shall be credited as present by the school and shall not be counted as absent, either excused  
54 or unexcused, for all or part of any day missed from school due to such performance that  
55 is included on a performance certification completed by the student performer's parent or  
56 guardian and the child labor coordinator or studio teacher assigned to the student performer  
57 using a performance certification form promulgated by the Department of Labor for this  
58 purpose. Subject to the provisions of paragraph (2) of subsection (c) of this Code section,  
59 such performance certification shall clearly describe the curriculum and content standards  
60 that were included in the instruction and related services provided to the student performer  
61 by the studio teacher. Such performance certification shall be submitted to an official of  
62 the student performer's school upon such student performer's return to school after the  
63 performance which is the subject of the performance certification. A single performance  
64 certification may be provided for a performance that continues for consecutive school days  
65 on a single production.

66 (c)(1) Parents or guardians, studio teachers, child labor coordinators, and employing  
67 units are each responsible for ensuring that the instruction and related services provided  
68 to a student performer by a studio teacher are appropriate based on consideration of such

69 student performer's age, grade level, and competency in reading, writing, and  
70 mathematics aligned with the content standards adopted by the State Board of Education.

71 (2) Whenever a student performer is engaged in a performance for three consecutive  
72 school days or longer, regardless of how long the production was originally intended to  
73 be, employing units and child labor coordinators shall be responsible for ensuring that the  
74 instruction and related services provided to a student performer by a studio teacher  
75 include appropriate curriculum and content standards that are aligned with the curriculum  
76 and content standards being delivered at the student performer's school regardless of such  
77 student performer's age, and the studio teacher shall be responsible for coordinating with  
78 the student performer's school teachers to ensure appropriate instructional materials and  
79 resources, including, but not limited to, lessons, assignments, and assessments that are  
80 aligned with the school's curriculum and content standards, are being used with the  
81 student performer.

82 (3) For a student performer to be credited as present as provided in subsection (b) of this  
83 Code section, a parent or guardian shall provide appropriate authorization for the student  
84 performer's studio teachers and school personnel to communicate regarding the student  
85 performer, including, but not limited to, communications involving the student  
86 performer's education records as defined in the federal Family Educational Rights and  
87 Privacy Act (FERPA), 20 U.S.C. Section 1232g.

88 (d) Upon consultation with the Department of Education, the Department of Labor shall  
89 promulgate a performance certification form and such policies and procedures necessary  
90 to ensure compliance with this Code section."

91 **SECTION 3.**

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