

Senate Bill 246

By: Senators Brass of the 28th, Albers of the 56th, Kirkpatrick of the 32nd, Payne of the 54th, Anavitarte of the 31st and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-690 of the Official Code of Georgia Annotated, relating to
2 educational entities and requirements for private schools and home study programs, so as to
3 provide for "The Learning Pod Protection Act"; to provide for exemptions applicable to
4 learning pods; to provide for student attendance; to provide for administrative and judicial
5 proceedings; to provide for severability; to provide for a short title; to provide for legislative
6 purpose; to provide for definitions; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 20-2-690 of the Official Code of Georgia Annotated, relating to educational
11 entities and requirements for private schools and home study programs, is amended by
12 adding a new subsection to read as follows:

13 "(f)(1)(A) This subsection shall be known as 'The Learning Pod Protection Act.'

14 (B) This subsection is necessary to ensure that parents in this state who choose to
15 voluntarily associate to advance the primary education of their children shall not be
16 subject to additional restrictions or regulations.

17 (2) As used in this subsection, the term:

18 (A) 'Learning pod' means a voluntary association of parents choosing to group their
19 children together at various times or places to participate in or enhance their primary
20 educational program. Payment for services by parents of children who participate in
21 a learning pod does not alter this definition of a learning pod.

22 (B) 'Operation of a learning pod' means the parents of the children participating in the
23 learning pod and any other individuals assisting those parents while engaged in any
24 actions taken to organize, facilitate, or operate the learning pod and any facility, home,
25 or other structure utilized by the learning pod.

26 (C) 'Parent' means the parent or guardian of any child under the age of 18.

27 (D) 'Primary education' means any learning mode or system recognized by the state for
28 a student to participate in education in kindergarten through grade 12.

29 (3) Except for laws or other legal provisions relating to civil rights; insurance; the
30 protection of the physical health and safety of school students, employees, and visitors;
31 conflicting interest transactions; the prevention of unlawful conduct; and unlawful
32 conduct in or near a public school, learning pods shall be exempt, notwithstanding any
33 other statute to the contrary, from the following state, local, or local school system
34 statutes, rules, regulations, guidelines, or any other regulatory provisions:

35 (A) All provisions contained in this title related to elementary and secondary education
36 including, but not limited to, provisions related to staff ratios, staff certifications,
37 background checks, and minimum requirements for instructional space;

38 (B) All regulatory provisions related to the operation of a day-care or child care center
39 or an at-home day care contained in Chapter 1A of this title, including, but not limited
40 to, staff certifications, background checks, and instructional space minimum
41 requirements; provided, however, that this subsection does not alter the regulation of
42 any day-care center, child care center, or home day-care center related to any operations
43 or other matters not directly related to the operation of a learning pod;

44 (C) Any state or local building or fire codes applicable to educational or child care
45 facilities; and

46 (D) Any other state or local statute, rule, or code which would not be applicable to any
47 group, building, or facility but for the operation or presence of a learning pod.

48 (4) No state, local, or local school system employee shall initiate or conduct any site
49 inspection, site visit, or other investigation that would not have been initiated or made but
50 for the operation or presence of a learning pod.

51 (5) No school district shall take any action or in any manner discriminate against or
52 otherwise distinguish any student or parent based on their participation in a learning pod.

53 (6) No state agency, local government, or school district shall require that any learning
54 pod be in any manner required to register or otherwise report its existence or anything
55 related to the operation of a learning pod.

56 (7) Participation in a learning pod to facilitate a remote learning option offered by the
57 student's primary education provider shall satisfy all mandatory attendance requirements
58 provided for in Code Section 20-2-690.1.

59 (8) In any administrative or judicial hearing or other action regarding this subsection, the
60 following burdens of proof may be deemed to apply by the presiding officer:

61 (A) Whether any state, local, or local school system law, regulation, guideline, or any
62 other action complies with the requirements of this subsection shall be a judicial
63 question and determined without regard to any assertion of compliance with this
64 subsection; and

65 (B) Any state, local, or local school system adopting a law, regulation, or guideline or
66 taking any other action providing for the operation of learning pods shall be required
67 to establish by clear and convincing evidence that such law, regulation, guideline, or
68 action:

69 (i) Does not unduly impede on the freedom of parents and guardians to provide care
70 and supervision of their children;

71 (ii) Does not single out educational activities while similar gatherings of children for
72 recreational or social activities remain unregulated; and
73 (iii) Is narrowly tailored to protect the public health and safety.
74 (9) The provisions of this subsection are severable. If any part of this act is declared
75 invalid or unconstitutional, that declaration shall not necessarily affect any portions which
76 remain."

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SECTION 2.

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