

House Bill 1396

By: Representatives McBee of the 88<sup>th</sup>, Heard of the 89<sup>th</sup> and Hudgens of the 24<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for the merger of the existing independent school system of the  
2 mayor and council of the City of Athens and the existing school system in the County of  
3 Clarke, approved March 7, 1955 (Ga. L. 1955, p. 3057), as amended, particularly by an Act  
4 approved January 15, 1993 (Ga. L. 1993, p. 3514), so as to change the composition of the  
5 board of education and the districts from which members are elected; to provide for  
6 definitions and inclusions; to provide for the election of members and terms of office; to  
7 provide for related matters; to provide for submission for preclearance under Section 5 of the  
8 federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act providing for the merger of the existing independent school system of the mayor and  
13 council of the City of Athens and the existing school system in the County of Clarke,  
14 approved March 7, 1955 (Ga. L. 1955, p. 3057), as amended, particularly by an Act approved  
15 January 15, 1993 (Ga. L. 1993, p. 3514), is amended by striking subsections (a), (b), and (e)  
16 of Section 5 and inserting in lieu thereof new subsections (a), (b), and (e) to read as follows:

17 "(a) The Board of Education of Clarke County shall be composed of nine members to be  
18 elected as provided in this Act. For the purpose of electing members of the Clarke County  
19 Board of Education, the Clarke County School District shall be divided into nine districts  
20 which shall be and correspond to those nine numbered districts described in and attached  
21 to and made a part of this Act and further identified as Plan Name: CLK-OPTION F Plan  
22 Type: Local User: Linda Administrator: Clarke.

23 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean  
24 and describe the same geographical boundaries as provided in the report of the Bureau of  
25 the Census for the United States decennial census of 2000 for the State of Georgia. The  
26 separate numeric designations in a Tract description which are underneath a 'BG' heading

1 shall mean and describe individual Blocks within a Block Group as provided in the report  
2 of the Bureau of the Census for the United States decennial census of 2000 for the State of  
3 Georgia. Any part of Clarke County which is not included in any such district described  
4 in that attachment shall be included within that district contiguous to such part which  
5 contains the least population according to the United States decennial census of 2000 for  
6 the State of Georgia. Any part of Clarke County which is described in that attachment as  
7 being in a particular district shall nevertheless not be included within such district if such  
8 part is not contiguous to such district. Such noncontiguous part shall instead be included  
9 within that district contiguous to such part which contains the least population according  
10 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise  
11 provided in the description of any district, whenever the description of such district refers  
12 to a named city, it shall mean the geographical boundaries of that city as shown on the  
13 census map for the United States decennial census of 2000 for the State of Georgia."

14 "(e)(1) The members of the board of education who were elected at the general election  
15 in November 1998 shall continue in office for the terms to which they were elected and  
16 until successors are elected and qualified as provided in this section. The members of the  
17 board of education who were elected at the general election in November 2000 shall  
18 continue in office for the terms to which they were elected and until successors are  
19 elected and qualified as provided in this section.

20 (2) The first members of the reconstituted board of education of Clarke County from  
21 Education Districts 1, 3, 5, 7, and 9 shall be elected at the general election in November  
22 2002, on a nonpartisan basis in accordance with the terms of this Act. Such members  
23 shall take office on January 1 following their election for terms of four years and until  
24 their successors are elected and qualified.

25 (3) The first members of the reconstituted board of education of Clarke County from  
26 Education Districts 2, 4, 6, and 8 shall be elected at the general election in November  
27 2004, on a nonpartisan basis in accordance with the terms of this Act. Such members  
28 shall take office on January 1 following their election for terms of four years and until  
29 their successors are elected and qualified.

30 (4) Successors to members elected under paragraphs (2) and (3) of this subsection shall  
31 be elected at the November general election next preceding the expiration of such terms  
32 of office on a nonpartisan basis in accordance with the terms of this Act and shall take  
33 office on January 1 following their election for terms of four years and until their  
34 successors are elected and qualified.

35 (5) Education Districts 1, 2, 3, 4, 5, 6, 7, and 8 as they existed on January 1, 2002, shall  
36 continue to be designated as Education Districts 1, 2, 3, 4, 5, 6, 7, and 8, respectively, but  
37 as newly described under this Act, and, on and after the effective date of this Act, such

1 members of the board serving from those former education districts shall be deemed to  
2 be serving from and representing their respective districts as newly described under this  
3 section."

4 **SECTION 2.**

5 It shall be the duty of the attorney of the Board of Education of Clarke County to submit this  
6 Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

7 **SECTION 3.**

8 The provisions of this Act relating to and necessary for the regular election in 2002 of  
9 members of the Board of Education of Clarke County shall become effective upon its  
10 approval by the Governor or upon its becoming effective without such approval; and this Act  
11 shall otherwise become effective January 1, 2003.

12 **SECTION 4.**

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