

House Bill 549

By: Representatives Brown of the 130th, Stancil of the 16th, Cox of the 105th and Williams of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to change certain powers and duties of the State
3 Board of Education and the State School Superintendent; to delete a provision for general
4 supervision of the Department of Education by the State Board of Education; to delete a
5 provision for organization and reorganization of such department by the State Board of
6 Education; to provide for authority of the State School Superintendent with regard to the
7 duties, functions, and operations, hiring, dismissal, evaluation, promotion, demotion, transfer,
8 and compensation of each employee of the Department of Education; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
13 secondary education, is amended in Article 1, relating to the State Board of Education, by
14 striking in its entirety Code Section 20-2-11, relating to budgets, supervision of the
15 Department of Education, and funds for the state office, and inserting in lieu thereof the
16 following:

17 "20-2-11.

18 The State Board of Education shall prepare and submit to the Governor and General
19 Assembly an estimate of the funds necessary for the operation of the state public school
20 system. ~~It shall have general supervision of the Department of Education and may delegate~~
21 ~~to the State School Superintendent the authority to employ and dismiss such clerical~~
22 ~~employees, supervisors, administrators, and other employees who are members of the~~
23 ~~classified service under Article 1 of Chapter 20 of Title 45 as may be necessary for the~~
24 ~~efficient operation of the Department of Education.~~ It shall set aside the necessary funds
25 for the maintenance of the office of the department and the State School Superintendent,
26 the amount and sufficiency of such funds to be in the discretion of the state board, such

1 funds to be disbursed by the superintendent in his or her discretion in the payment of
 2 salaries, raises, and travel expenses of employees and for printing, communication,
 3 equipment, repairs, and other expenses incidental to the operation of the department."

4 SECTION 2.

5 Said chapter is further amended in Part 8 of Article 6, relating to the State Board of
 6 Education, by striking in its entirety Code Section 20-2-240, relating to the powers and duties
 7 of the State Board of Education relative to quality basic education, and inserting in lieu
 8 thereof the following:

9 "20-2-240.

10 (a) The State Board of Education shall adopt and prescribe all rules, regulations, and
 11 policies required by this article and such other rules, regulations, and policies as may be
 12 reasonably necessary or advisable for proper implementation, enforcement, and carrying
 13 out of this article and other public school laws and for assuring a more economical and
 14 efficient operation of the public schools of this state or any phase of public elementary and
 15 secondary education in this state. The state board shall establish and enforce standards for
 16 operation of all public elementary and secondary schools and local units of administration
 17 in this state so as to assure, to the greatest extent possible, equal and quality educational
 18 programs, curricula, offerings, opportunities, and facilities for all of Georgia's children and
 19 youth and for economy and efficiency in administration and operation of public schools
 20 and local school systems throughout the state. The state board shall have the power to
 21 perform all duties and to exercise all responsibilities vested in it by provisions of law for
 22 the improvement of public elementary and secondary education in this state, including
 23 actions designed to improve teacher and school effectiveness through research and
 24 demonstration projects. The state board shall have the power to take such actions as it
 25 deems necessary to ensure that the citizens have full awareness and knowledge relative to
 26 the costs, quality, and performance of the public elementary and secondary schools of this
 27 state. All rules, regulations, policies, and standards adopted or prescribed by the state board
 28 in carrying out this article and other school laws shall, if not in conflict therewith, have the
 29 full force and effect of law.

30 ~~(b) The State Board of Education is authorized, after a reasonable attempt at consultation~~
 31 ~~with the State School Superintendent, to organize and reorganize the Department of~~
 32 ~~Education and the various offices, divisions, sections, and units thereof and to prescribe the~~
 33 ~~duties, functions, and operations of each at such times and in such manner as the state~~
 34 ~~board may deem necessary or desirable for the more economical or effective organization,~~
 35 ~~administration, or functioning of the department."~~

SECTION 3.

Said part is further amended by striking in its entirety Code Section 20-2-241, relating to the State School Superintendent, and inserting in lieu thereof the following:

"20-2-241.

(a) The State School Superintendent shall be the executive officer of the State Board of Education and the administrative chief executive officer of the Department of Education. The State School Superintendent is authorized to organize and reorganize the Department of Education and the various offices, divisions, sections, and units thereof and to prescribe the duties, functions, and operations of each employee of the department at such times and in such manner as the State School Superintendent deems necessary or desirable for the more economical or effective organization, administration, or functioning of the department. He or she shall also be responsible for the administration and enforcement of this article and other school laws in accordance with such laws and with rules, regulations, policies, and standards adopted or prescribed by the state board for the implementation, administration, or enforcement of such laws.

(b) The State School Superintendent shall have the authority to employ, dismiss, evaluate, promote, demote, transfer, and set all salaries and raises of employees of persons to serve in the five senior staff positions within the Department of Education in accordance with the rules and regulations of the state merit system and other applicable employment laws and regulations.

(c) The State School Superintendent shall have the authority to enter into contracts for the amount of \$50,000.00 or less on behalf of the Department of Education."

SECTION 4.

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