

House Bill 940

By: Representatives Graves of the 125th, Stephens of the 150th, Rice of the 79th and Williams of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to contracts and purchases by public schools, so as to enact the "Local Board of
3 Education Freedom to Contract Act"; to provide for legislative findings; to provide for public
4 bidding for services and management of all or a portion of functions necessary to operate
5 schools within a local school system; to provide for applicability; to provide for public
6 reports; to provide for a period of time for compliance; to provide for construction; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 10 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
11 contracts and purchases by public schools, is amended by adding at the end thereof a new
12 Code Section 20-2-507 to read as follows:

13 "20-2-507.

14 (a) This Code section shall be known and may be cited as the 'Local Board of Education
15 Freedom to Contract Act.'

16 (b) The General Assembly finds that:

17 (1) Local boards of education should exercise the freedom to contract for services and
18 programs;

19 (2) Local boards of education should investigate the viability of contracting and
20 outsourcing the provision of administrative services; and

21 (3) Through contracting with the private sector to perform government functions or
22 outsourcing, certain services and programs may be performed more cost efficiently and
23 effectively.

24 (c) Notwithstanding any other provision of this chapter to the contrary, a local board of
25 education shall determine through a public bidding process whether a contract with a
26 private person, firm, corporation, organization, or association can provide services for or

1 management of all or a portion of the functions necessary to operate the schools within the
2 local school system, including, but not limited to, custodial, administrative services, food
3 services, school facility maintenance services, or transportation.

4 (d) A local board of education that has bid a service for or management of all or a portion
5 of the functions necessary to operate the schools within the local school system shall be in
6 compliance with subsection (c) of this Code section.

7 (e) This Code section shall not apply to a local board of education with fewer than 5,000
8 full-time students.

9 (f) After a local board of education conducts a public bid as defined in subsection (c) of
10 this Code section and chooses not to enter into a contract as provided for in subsection (c)
11 of this Code section, the local school board shall issue a public report and send a copy of
12 such report to the State Board of Education and Office of Accountability.

13 (g) Each local board of education shall have four years to comply with subsection (c) of
14 this Code section.

15 (h) Nothing in this Code section shall be construed to authorize a local board of education
16 to enter into a contract that is inconsistent with the local board of education's obligation,
17 pursuant to Article VIII, Section V, Paragraph II of the Constitution, to manage and control
18 the local school system."

19 **SECTION 2.**

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