

House Bill 1208 (COMMITTEE SUBSTITUTE)

By: Representatives Buckner of the 82<sup>nd</sup>, Barnes of the 84<sup>th</sup>, Post 2, Parsons of the 29<sup>th</sup>, Casas of the 68<sup>th</sup>, and Reece of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to community involvement in education and the role of local boards of education and  
3 school councils, so as to change the provisions relating to school councils and their  
4 membership, selection, terms, powers, duties, officers, operations, bylaws, meetings,  
5 practices, and procedures; to change the provisions relating to the powers and duties of local  
6 boards of education and local school officials; to change the provisions relating to training  
7 programs for school councilmembers; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
11 community involvement in education and the role of local boards of education and school  
12 councils, is amended by striking Code Section 20-2-86, relating to operation of school  
13 councils, and inserting in lieu thereof the following:

14 "20-2-86.

15 (a) By October 1, 2001, each local board of education that elects to participate in the  
16 Quality Basic Education Program provided for in Article 6 of this chapter shall have a  
17 school council operational at a minimum of one high school, one middle school, and one  
18 elementary school, except that if a school system does not have its schools organized in this  
19 manner the system shall designate schools for a school council as closely to the intent of  
20 this Code section as possible. By October 1, 2002, each local board of education shall have  
21 a school council operational in a minimum of 50 percent of the schools under its  
22 jurisdiction. Such school council shall operate pursuant to this Code section, and the local  
23 board of education shall assist all councils in their creation and operation. After two years  
24 of successful operation, and upon receiving a high performance designation by the Office  
25 of Education Accountability, the local board of education shall devolve to the school  
26 council such additional authority in matters of school operation as the local board deems

1 appropriate. By October 1, 2003, each local board of education shall have a school council  
 2 operational in each of the schools under its jurisdiction. Local boards of education may by  
 3 board policy allow an alternative to a school council at a charter school, an alternative  
 4 school, or a psychoeducation center if another governance body or advisory council exists  
 5 that performs a comparable function.

6 (b) The local board of education shall provide a training program to assist schools in  
 7 forming a school council and to assist school councilmembers in the performance of their  
 8 duties. Such program shall address the organization of councils, their purpose and  
 9 responsibilities, applicable laws, rules, regulations and meeting procedures, and important  
 10 state and local school system program requirements and shall provide a model school  
 11 council organization plan. ~~The Additional training program programs shall be offered to~~  
 12 ~~school councilmembers at least twice per school year, except that this program shall be~~  
 13 ~~offered during the month of July should there be members of the school council with a term~~  
 14 ~~commencing on July 1 who have not previously received this training annually.~~ The State  
 15 Board of Education shall develop and make available a model school council training  
 16 program.

17 (c) Membership on the council shall be open to teachers, parents, and business  
 18 representatives selected from all businesses that are designated school business partners.  
 19 Any member may withdraw from the council by delivering to the council a written  
 20 resignation and submitting a copy to the secretary of the council or school principal. Should  
 21 school councilmembers determine that a member of the council is no longer active in the  
 22 council as defined by the bylaws of the council, the council may, by a majority vote of ~~five~~  
 23 ~~members of the council~~, withdraw such person's membership status, effective as of a date  
 24 determined by the council.

25 (d) The property and business of the council shall be managed by a minimum of seven  
 26 school councilmembers of whom a majority shall constitute a quorum. ~~School~~  
 27 ~~councilmembers must be individuals who are 18 years of age or older~~ The number of  
 28 councilmembers shall be specified in the council's bylaws. If the number of  
 29 councilmembers exceeds seven, the number of parent members and teacher members must  
 30 be equal. Members of the school council shall include:

31 (1) ~~Two~~ At least two parents or guardians of students enrolled in the school, excluding  
 32 employees who are parents or guardians of such students;

33 (2) Two businesspersons, ~~one of whom shall be selected by the local board of education~~  
 34 ~~and one of whom shall be selected by the other five nonbusiness members of the school~~  
 35 ~~council from the business partners of the school or, if there are no business partners, from~~  
 36 ~~the local business community;~~

1 (3) ~~Two~~ At least two certificated teachers, excluding any personnel employed in  
 2 administrative positions, who are employed at least four of the six school segments at the  
 3 school; and

4 (4) The school principal; and

5 (5) Other members as specified in the council's bylaws, such as, but not limited to,  
 6 students, staff, and representatives of school related organizations. Selection procedures  
 7 for these members and the business members shall be specified in the council's bylaws.

8 An employee of the local school system may serve as a parent representative on the council  
 9 of a school in which his or her child is enrolled if such employee works at a different  
 10 school. With the exception of the principal and the business representatives, members shall  
 11 be elected by, and from among, the group they represent. ~~The chairperson of the council~~  
 12 ~~shall be the school principal.~~

13 (e) Members of the council shall serve for a term of two years or for such other term as  
 14 may be specified in the council's bylaws, except as provided in this subsection. Upon the  
 15 expiration of the terms of the councilmembers in office on July 1, 2004, the subsequent  
 16 terms of the councilmembers shall be staggered. In order to stagger the terms, the initial  
 17 terms of one-half of the councilmembers pursuant to paragraph (1) of subsection (d) of this  
 18 Code section, one-half of the councilmembers pursuant to paragraph (2) of subsection (d)  
 19 of this Code section, one-half of the councilmembers pursuant to paragraph (3) of  
 20 subsection (d) of this Code section, and one-half of the councilmembers pursuant to  
 21 paragraph (5) of subsection (d) of this Code section shall have initial terms of one year and  
 22 the remaining members shall have initial terms of two years. Councilmembers may serve  
 23 more than one term. The office of school councilmember shall be automatically vacated:

24 (1) If a member shall resign;

25 (2) If the person holding the office is removed as a member by an action of the council  
 26 pursuant to this Code section; or

27 (3) If a member no longer meets the qualifications specified in this Code section.

28 An election within the electing body for a replacement to fill the remainder of an unexpired  
 29 term shall be held within 30 days, unless there are 90 days or less remaining in the term in  
 30 which case the vacancy shall remain unfilled.

31 (f) All meetings of the school council shall be ~~held at the school site~~ open to the public.  
 32 The council shall meet ~~once a month,~~ at least four times annually and the number of  
 33 meetings shall be specified in the council's bylaws. The council shall also meet at the call  
 34 of the chairperson, or at the request of a majority of the members of the council. Notice by  
 35 mail shall be sent to school councilmembers at least seven days prior to a meeting of the  
 36 council and shall include the date, time, and location of the meeting. School councils shall  
 37 be subject to Chapter 14 of Title 50, relating to open and public meetings, in the same

1 manner as local boards of education. Each member is authorized to exercise one vote. A  
 2 quorum must be present in order to conduct official council business. Members of the  
 3 council shall not receive remuneration to serve on the council or its committees.

4 (g) After providing public notice at least two weeks before the meeting of each electing  
 5 body, the principal of each school shall call a meeting of electing bodies ~~during the month~~  
 6 ~~of May each year~~ for the purpose of selecting members of the school council as required  
 7 by this Code section. The electing body for the parent members shall consist of all parents  
 8 and guardians eligible to serve as a parent member of the school council, and the electing  
 9 body for the teacher members shall consist of all certificated personnel eligible to serve as  
 10 a teacher member of the school council. The school council shall specify in its bylaws the  
 11 month in which elections are to be held and shall specify a nomination and election  
 12 process.

13 (h) The school council shall adopt such bylaws as it deems appropriate to conduct the  
 14 business of the council. The adoption of bylaws or changes thereto requires ~~five a~~  
 15 two-thirds' affirmative votes vote. The State Board of Education shall develop and make  
 16 available model school council bylaws.

17 (i) The school council shall have the same immunity as the local board of education in all  
 18 matters directly related to the functions of the council.

19 (j)(1) The officers of the school council shall be a chairperson, vice chairperson, and  
 20 secretary. Officers of the council, ~~other than the chairperson,~~ shall be ~~appointed~~ elected  
 21 by ~~resolution of the council at the first meeting of the council following the election of~~  
 22 school councilmembers. The officers of the council shall hold office ~~concurrently with~~  
 23 for the term of members of the council specified in the council's bylaws.

24 (2) The vice chairperson shall, in the absence or disability of the chairperson, perform  
 25 the duties and exercise the powers of the chairperson and shall perform such other duties  
 26 as shall ~~from time to time be imposed upon him or her~~ be required by the council.

27 (3) The secretary shall attend all meetings, act as clerk of the council, and be responsible  
 28 for recording all votes and minutes of all proceedings in the books to be kept for that  
 29 purpose. The secretary shall give or cause to be given notice of all meetings of the  
 30 council and shall perform such other duties as may be prescribed by the council ~~or the~~  
 31 ~~chairperson, under whose supervision the secretary shall be.~~

32 (k) The members of the school council are accountable to the constituents they serve and  
 33 shall:

- 34 (1) Maintain a school-wide perspective on issues;
- 35 (2) Regularly participate in council meetings;
- 36 (3) Participate in information and training programs;
- 37 (4) Act as a link between the school council and the community;

1 (5) Encourage the participation of parents and others within the school community; and

2 (6) Work to improve student achievement and performance.

3 (l) The minutes of the council shall be made available to the public, for inspection at the  
4 school office, and shall be provided to the councilmembers, each of whom shall receive a  
5 copy of such minutes within 20 days following each council meeting. All school councils  
6 shall be subject to Article 4 of Chapter 18 of Title 50, relating to the inspection of public  
7 records, in the same manner as local boards of education.

8 (m) At all meetings of the council every question shall be determined by a majority vote  
9 of members present, representing a quorum.

10 (n) The term of office of all councilmembers shall begin ~~on July 1~~ and end on ~~June 30~~ the  
11 dates specified in the council's bylaws.

12 (o) The council may appoint committees, study groups, or task forces for such purposes  
13 as it deems helpful and may utilize existing or new school advisory groups.

14 (p) The local board of education shall provide all information not specifically made  
15 confidential by law, including school site budget and expenditure information and site  
16 average class sizes by grade, to the council as requested or as required by state law or state  
17 board rule. The local board shall also designate an employee of the school system to attend  
18 council meetings as requested by a school council for the purpose of responding to  
19 questions the council may have concerning information provided to it by the local board  
20 or actions taken by the local board. The central administration shall be responsive to  
21 requests for information from a school council.

22 (q) The local board of education shall receive and consider all recommendations of the  
23 school council, including the annual report, ~~and shall have the authority to overturn any~~  
24 ~~decision of the school council~~ as follows:

25 (1) Public notice shall be given to the community of the local board's intent to consider  
26 school council reports; or recommendations, ~~appointments, or any other decision of a~~  
27 ~~school council~~;

28 (2) Written notice shall be given to the members of the school council at least seven days  
29 prior to ~~such a~~ local board meeting, along with a notice of intent to consider a council  
30 report; or recommendation, ~~appointment, or any other decision of the council~~; and

31 (3) The members of the school council shall be afforded an opportunity to present  
32 information in support of the school council's action; and report or recommendation.

33 ~~(4) A majority of the board members present, representing a quorum, vote to overturn~~  
34 ~~the council decision.~~

35 The local board of education shall respond to ~~each recommendation~~ recommendations of  
36 the school council within 60 days after being notified in writing of the recommendation.

1 (r) The school principal shall have the following duties pertaining to school council  
2 activities:

3 (1) Cause to be created a school council pursuant to this Code section by convening the  
4 appropriate bodies to select school councilmembers; setting the initial agenda, meeting  
5 time, and location; and notifying all school councilmembers of the same;

6 ~~Serve as chairperson of the school council and perform~~ Perform all of the duties  
7 required by law and the bylaws of the council;

8 ~~Speak for and represent the council in all school council matters before the local~~  
9 ~~board of education;~~

10 ~~(4)~~ Communicate all council requests for information and assistance to the local school  
11 superintendent and inform the council of responses or actions of the local school  
12 superintendent;

13 ~~(5)~~(4) Develop the school improvement plan and school operation plan and submit the  
14 plans to the school council for its review, comments, recommendations, and approval;  
15 and

16 ~~(6)~~(5) Develop Aid in the development of the agenda for each meeting of the council  
17 after taking into consideration suggestions of councilmembers and the urgency of school  
18 matters. An item may be added to the agenda at the request of three or more  
19 councilmembers; and

20 ~~(7) Provide to the council the initial and midterm allotment sheets for the school that are~~  
21 ~~provided by the Department of Education pursuant to Article 6 of this chapter.~~

22 (s) School councils are advisory bodies. The councils shall provide advice and  
23 recommendations to the school principal and, where appropriate, the local board of  
24 education and local school superintendent on any matter related to student achievement and  
25 school improvement, including, but not limited to, the following:

26 (1) School ~~calendar~~ board policies;

27 (2) School ~~codes for conduct and dress~~ improvement plans;

28 (3) Curriculum, ~~program goals, and priorities~~ and assessments;

29 (4) ~~The responses of the school to~~ Report cards issued or audits of the school as  
30 conducted by the Office of Education Accountability;

31 (5) ~~Preparation and distribution to the community~~ Development of a school profile which  
32 shall contain data as identified by the council to describe the academic performance,  
33 academic progress, services, awards, interventions, environment, and other such data as  
34 the council deems appropriate;

35 (6) ~~In the case of a vacancy in the position of school principal, the recommendation of~~  
36 ~~a school principal from a list of qualified applicants submitted by the local board of~~  
37 ~~education and local school superintendent to the council;~~

