

House Bill 1752 (AS PASSED HOUSE AND SENATE)

By: Representatives Harper of the 88th, Post 2, and Butler of the 88th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To continue the existence of the Carrollton Independent School System under the
2 management and control of the Carrollton Board of Education; to provide for the
3 composition, term of office, and qualifications of members of the board; to provide for
4 continuation in office; to provide for election wards; to provide for meetings, officers,
5 quorum, rules of procedure, voting requirements, abstention from voting, public meetings,
6 public comments at meetings, and communication of minutes; to provide for the powers,
7 duties, and responsibilities of the board; to restrict the powers of the board; to define terms;
8 to provide for salaries and expenses of board members; to provide for vacancies; to provide
9 for a superintendent and appointment, powers and duties, qualifications, and responsibilities
10 of such officer; to provide for a general counsel; to provide for publication of performance
11 levels and expenditures; to provide for the roles of the board and the superintendent; to
12 prohibit certain practices by board members; to provide for disclosure of financial interests
13 in contracts or matters pending before the board and of relatives employed by the school
14 system; to prohibit use of school system property for personal benefit; to provide that
15 contracts are voidable in certain circumstances; to provide for hearings; to provide for access
16 to records; to provide for determination of a millage rate and for limitations and levy of such
17 millage rate and election relating thereto; to provide for transmittal of taxes to the board; to
18 provide for loans and additional revenue sources; to provide for budgeting procedures; to
19 provide that unlawful obligations are void; to provide for continuance of officers and
20 employees; to continue existing rules, contracts, bonds, obligations, rights, and interests; to
21 provide for construction; to repeal specific Acts; to provide for severability; to provide an
22 effective date; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 ARTICLE I
25 INDEPENDENT SCHOOL SYSTEM

H. B. 1752

SECTION 1-101.

Independent school system.

In accordance with the laws of the State of Georgia, the Carrollton Independent School System (hereinafter at times referred to as the "Carrollton school system") shall be continued as an independent school system, created by the General Assembly and the provisions of this Act and preceding Acts, which shall be under the management and control of the Carrollton Board of Education (hereinafter referred to as the "board"). Except as provided herein, the school system and the board shall be subject to the general laws of the state.

ARTICLE II**BOARD OF EDUCATION****SECTION 2-101.**

Composition.

The Carrollton Board of Education shall be composed of six members elected as provided in this Act.

SECTION 2-102.

Elections; election wards.

(a) The Board of Education of the City of Carrollton which existed on December 31, 2003, is continued in existence. The board so continued shall continue to have the powers, duties, rights, obligations, and liabilities of that board as existed immediately prior to the effective date of this Act.

(b) Those members of the board from Election Wards 2, 3, and 5 who are serving as such on the effective date of this Act and any person selected to fill a vacancy in any such office shall continue to serve as such members for terms of office which expire December 31, 2005, and upon the election and qualification of their respective successors. Those members of the board from Election Wards 1, 4, and 6 who are serving as such on the effective date of this Act and any person selected to fill a vacancy in any such office shall continue to serve as such members for terms of office which expire December 31, 2007, and upon the election and qualification of their respective successors.

(c) For purposes of electing members of the board, the City of Carrollton School District is divided into six election wards. The election wards under this Act shall be constituted identically to those election wards for the board as existed on January 1, 2004.

(d) One member of the board shall be elected from each election ward specified in subsection (c) of this section. In order to be elected as a member of the board from an election ward, a person must receive a majority of votes cast for that office or a run-off election shall be held as provided by general law. A member of the board of education must reside within the election ward from which he or she is selected and shall be elected by the electors residing within that election ward.

(e) Successors to members of the board whose terms of office are to expire shall be elected at the time of the general municipal election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(f) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2-103.

Organization; officers; quorum; rules;
voting requirements; meetings.

(a) Organizational meeting. At the first regular meeting of the board in January following each regular election, the board shall organize and take their oaths of office.

(b) Officers. At its first regular meeting in January of each year, the board shall elect a chairperson, a vice chairperson, and a treasurer by a majority vote of its members. The chairperson, vice chairperson, and treasurer shall serve for a term of one year and can be reelected to such position thereafter.

(c) Quorum. Four members of the board shall constitute a quorum for the transaction of business, although a smaller number may adjourn from time to time and compel the attendance of its members.

(d) Rules. The board shall adopt rules of procedure governing the transaction of its business consistent with the provisions of this Act and any other applicable laws. The rules of the board shall provide for regular meetings which shall be held at least monthly and in accordance with the provisions of Code Section 20-2-58 of the O.C.G.A., as now or hereafter amended, and shall provide for any special meetings of the board.

(e) Voting requirement.

(1) The affirmative vote of a majority of the board shall be required for the passage of any resolution; provided, however, that a majority of a quorum of the board may take

official action in regards to disciplinary matters related to appointed officers or employees of the Carrollton school system.

(2) No member of the board shall abstain from voting at any duly called board meeting except in matters involving consideration of his or her own conduct, matters which would inure to his or her financial or personal interests, or matters which would be a conflict of interest as provided in Article 3 of this Act. Such board member shall, prior to the vote being taken, publicly state during the meeting the nature of his or her interest in the matter from which he or she is abstaining from voting and shall within ten days of such abstention disclose the nature of his or her interest as a public record in a memorandum filed with the board secretary who shall incorporate the memorandum into the minutes of the meeting.

(f) Meetings. All meetings of the board and any of its committees shall be public in the same manner and to the same extent as required by Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings, as now or hereafter amended, and any citizen shall have access to the minutes and records thereof at reasonable times. Said minutes shall include a synopsis of the discussion on every question coming before the board and any of its committees, and the names of those board members voting for and against each question, those abstaining, and those absent.

(g) Public comment. The meetings of the board and its committees shall provide a reasonable opportunity for the public to be heard during such meetings of the board or its committees. The board shall prescribe rules and regulations for the receipt of such comments from the public.

SECTION 2-104.

Powers, duties, responsibilities, and restrictions.

(a) The board shall:

(1) Have and exercise control and management of the Carrollton school system in accordance with the provisions of this Act and the Constitution and general laws of the state. The board is hereby vested with all the powers and charged with all the duties provided to local boards of education by the general laws of the state;

(2) Provide all students with textbooks and furnish educational or instructional materials, resources, and equipment adequately to such students;

(3) Adopt by resolution rules and regulations related to the manner and method of employing, disciplining, and terminating any employees of the school system;

(4) Adopt by resolution rules and procedures related to the procurement of supplies, equipment, goods, and services for the school system;

- (5) Adopt by resolution rules and regulations for the governance of students, including the discipline, suspension, or expulsion of students, in accordance with due process;
- (6) Hear appeals from actions of the superintendent of schools and other personnel;
- (7) Approve an annual budget for the Carrollton public school system and provide for the levy of a tax for educational purposes as provided in this Act;
- (8) Approve school attendance zones;
- (9) Have the authority to sue and be sued as a school district in the name of the Carrollton Independent School System;
- (10) Have the power to purchase, sell, rent, or lease property, both real and personal, in the name of the Carrollton Independent School System with the title to any property purchased being vested solely in the school system to the extent that such property was acquired directly by the board through funds of the school system;
- (11) Have the authority to enter into contracts with any person, firm, corporation, or governmental unit or agency for the performance of educational services or the use of educational facilities;
- (12) Adopt rules for the manner and extent the public is permitted to use buildings under its control, which rules shall make available all such buildings which may be needed or required for voting purposes on election days;
- (13) Approve the superintendent's recommendation to hire or dismiss school system staff, provided that such recommendations can be rejected by the board only with a three-fourths' vote of the board. Notwithstanding this provision, a majority vote of the board is sufficient to reject the superintendent's recommendation, if a majority vote is required to comply with the provisions of Code Section 20-2-942 of the O.C.G.A.; and
- (14) The board may call an executive session as provided by law. Executive sessions shall not exclude the superintendent unless a discussion of the superintendent is the subject of the executive session.

(b) The board shall not:

- (1) Employ one of its members for any position in the school system;
- (2) Do business with a partnership or corporation owned in whole or part by a board member or a relative of a board member, unless the stock of the firm is publicly traded and there are more than 75 stockholders; or
- (3) Do business with a bank or financial institution where a board member is an employee, stockholder, director, or officer when such member owns 10 percent or more stock in that institution.

(c) Any board member whose relative is being considered for employment shall not vote on such employment.

(d) As used in this Act, the word "relative" shall mean an individual who is related to the elected official, appointed officer, or employee as father, mother, son, daughter, brother, sister, husband, wife, grandfather, grandmother, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law; any other relative living in the household of the elected official, appointed officer, or employee; a person who is engaged to be married to the elected official, appointed officer, or employee or who otherwise holds himself or herself out as or is generally known as the person whom the elected official, appointed officer, or employee intends to marry or with whom the elected official, appointed officer, or employee intends to form a household, or any other natural person having the same legal residence as the elected official, appointed officer, or employee.

SECTION 2-105.

Salary and expenses of board members.

Members of the board shall receive the salary and expenses as provided by general law.

SECTION 2-106.

Vacancies; filling of vacancies.

(a) The office of a board member shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may be hereafter enacted.

(b) In case a vacancy occurs in the membership of the board of education by death, resignation, removal from the city or removal from the ward from which a member is chosen, or otherwise, the remaining members of the board shall elect a member to fill the vacancy until the next regular election, when the voters shall choose a successor for the remainder of the term.

SECTION 2-107.

Superintendent of schools.

(a) The board shall appoint as its executive officer a school superintendent who shall have such qualifications as provided by law. The board shall provide the superintendent with a contract for employment for a fixed term as provided for under Code Section 20-2-101 of the O.C.G.A., as amended. The person serving as superintendent of the board on the day this Act becomes effective shall continue to serve as such superintendent for the term of such

1 person's contract, and upon the expiration of such term the board may enter into a new
2 contract with that person or any other person who meets the qualifications for such office.

3 (b) The superintendent shall have the power and duties assigned by the laws of the state and
4 such other powers and duties as are assigned by this Act or by the board.

5 (c) The superintendent need not be a resident of the school district at the time of his or her
6 appointment but during his or her term in office shall reside within that district.

7 (d) The superintendent shall be responsible for reporting to the board any legal or financial
8 matter that requires board action or attention, including matters that may violate board policy
9 or state or federal laws, or that may subject the school system to legal liability, a loss of state
10 or federal funds, or a loss of its eligibility to receive such funds.

11 **SECTION 2-108.**

12 General counsel for board and school system.

13 A general counsel shall be appointed and, if necessary, removed by the superintendent, with
14 the advice and consent of the board. Such appointment of the general counsel may be by a
15 contract authorized by the board. The general counsel shall serve as the chief legal adviser
16 to the board and the school system.

17 **SECTION 2-109.**

18 Publication of performance levels and expenditures.

19 (a) Whenever comprehensive reading examinations or other performance tests are
20 administered to students, parents and guardians may obtain reports of their child's or ward's
21 performance.

22 (b) All such test scores and performance summaries thereof, except the names of students,
23 shall be public records.

24 (c) The performance level of each school shall be measured according to a recognized
25 method or methods of testing or evaluation on at least an annual basis and shall be a public
26 record.

27 **SECTION 2-110.**

28 Roles of board and superintendent.

29 (a) In addition to the other powers and obligations provided by this Act and applicable state
30 laws, the board is responsible for discussing and deliberating a variety of issues, and then:

(1) Hiring, evaluating, and, if necessary, dismissing the superintendent. As part of this process, the school board shall enter into a contract with a superintendent that includes explicit goals and performance standards along with the criteria to be used in evaluating the superintendent's performance against those goals and standards;

(2) Adopting a vision for the district after participating, under the leadership of the superintendent, in a process to create the vision. The process will involve gaining input from individuals within the school system, such as administrative staff, principals, teachers, parents, and students, and individuals outside the school system, such as business people, higher education officials, social service providers, and community members. The vision includes district-wide student learning goals as well as long-range and strategic plans for meeting the goals;

(3) Adopting district-wide academic content and performance standards. These standards must meet or exceed the academic content and performance standards adopted by the state;

(4) Creating district-wide measures for the district-wide academic content and performance standards. These measures must include state-wide tests;

(5) Adopting district-wide policies that support an environment for quality improvement and progress for all decision makers in the district, as well as for students;

(6) In partnership with the superintendent, tracking progress toward and keeping attention focused on the student learning goals and the academic content and performance standards and measures. This shall be done on a district-wide basis and on a school-by-school basis;

(7) Approving an annual district budget, prior to the start of the school year, that identifies priorities and goals and that aligns the district's resources to achieve the district-wide student learning goals and district-wide academic content and performance standards and measures and to ensure that school facilities meet health and safety code requirements;

(8) Approving a policy that determines the minimum dollar amount for contracts that require school board approval;

(9) After seeking, receiving, and deliberating upon community input, approving plans for closing, selling, renovating, and building school facilities; and

(10) Each year, developing, in concert with the superintendent, the priorities for the school system for the upcoming year.

(b) Subject to the limitations contained in this Act, the superintendent, either directly or through a designee, is responsible for:

(1) Leading a process, in cooperation with the board, to create the vision for the district that involves gaining input from individuals within the school system, such as

1 administrative staff, principals, teachers, parents, and students, and individuals outside
2 the school system, such as business people, higher education officials, social service
3 providers, and community members. The vision includes district-wide student learning
4 goals as well as long-range and strategic plans for meeting the goals. The vision must be
5 formally adopted by the board;

6 (2) Developing an annual budget that aligns the district's resources to achieve the
7 district-wide student learning goals and district-wide academic content and performance
8 standards and measures and to ensure that school facilities meet health and safety code
9 requirements, and submitting it to the school board for its adoption;

10 (3) Deciding which instructional areas will receive priority attention, and maintaining
11 the focus, and keeping school-site decisions focused, on these areas;

12 (4) Working with each school's staff to define instructional objectives, design the
13 curriculum, and engage in professional development, using student performance data as
14 the basis for these decisions;

15 (5) In partnership with the board, tracking progress toward and keeping attention focused
16 on the standards and measures that are adopted by the board. This shall be done on a
17 district-wide basis and on a school-by-school basis;

18 (6) After adoption of policies by the board, providing a supportive environment for
19 quality improvement and progress for all decision makers in the district, as well as for
20 students;

21 (7) Tailoring and leading the provision of assistance to the district's low-performing
22 schools;

23 (8) Hiring, evaluating, and, if necessary, dismissing school system employees;

24 (9) Implementing strategies to involve parents and community members in the district
25 and to create partnerships between the district and public and private organizations; and

26 (10) Each year, developing, in concert with the board, the priorities for the school system
27 for the upcoming year.

28 ARTICLE III

29 ETHICS AND PROHIBITED PRACTICES

30 SECTION 3-101.

31 Disclosures.

32 Any elected official, appointed officer, or employee of the school system who has any
33 financial interest, directly or indirectly, in any contract or matter pending before or within
34 any office, department, or agency of the school system shall disclose such interest in writing
35 to the board. Any board member who has a financial interest in any contract or matter

pending before the board shall disclose such interest, in writing, and such disclosure shall be entered on the records of the board. The disclosure of any salary received by a board member from the school system or any entity doing business with the school system may be accomplished by naming the entity and position held by the board member with such entity. Interest and dividends from entities doing business with the school system which are listed on a national stock exchange or have more than 100 stockholders do not have to be disclosed. Likewise, the disclosure of any salary received by an immediate relative of the board member may be accomplished by naming the relative and the position held. The board member also shall disqualify himself or herself from participating in any decision or vote relating thereto.

SECTION 3-102.

Use of public property.

No elected official, appointed officer, or employee of the school system shall use property of the school system for personal benefit or profit except in accordance with policies and procedures promulgated by the board.

SECTION 3-103.

Contracts voidable and rescindable.

Any contract between the Carrollton school system and another party shall be voidable or rescindable at the discretion of the board at any time if any elected official, appointed officer, or employee has any interest in such contract and does not disclose such interest in accordance with the provisions within this article.

ARTICLE IV

REVENUE AND FINANCE

Chapter 1

General Provisions

SECTION 4-101.

Taxation for educational purposes.

(a) The board of education for the public school system for the City of Carrollton shall annually certify to the mayor and council of the City of Carrollton a school tax not greater than 20 mills per dollar for the support and maintenance of education. That mayor and

1 council shall annually levy the tax amount so certified upon the assessed value of all taxable
2 property within the City of Carrollton school district unless:

3 (1) The tax amount certified before July 1, 2005, exceeds 16.5 mills per dollar in which
4 event the tax amount levied shall be 16.5 mills per dollar; or

5 (2) The tax amount certified on or after July 1, 2005, exceeds 18.5 mills per dollar, in
6 which event the tax amount so certified shall be levied only if it previously has been
7 approved in a referendum as provided in subsection (b) of this section.

8 (b) Only in the event that on or after July 1, 2005, the board of education of the City of
9 Carrollton certifies to the mayor and council of that city a school tax that exceeds 18.5 mills
10 per dollar, and such levy has not been approved previously in a referendum pursuant to this
11 subsection, that mayor and council shall require the election superintendent of the City of
12 Carrollton to call and conduct an election as provided in this subsection, unless prohibited
13 by the federal Voting Rights Act of 1965, as amended. That election shall be for the purpose
14 of submitting the amount certified for such levy to the electors of the City of Carrollton
15 school district for approval or rejection. The election superintendent shall conduct that
16 election on the earliest date therefor permissible under Code Section 21-2-540 of the
17 O.C.G.A. and shall issue the call and conduct that election as provided by general law. The
18 election superintendent shall cause the date and purpose of the election to be published once
19 a week for two weeks immediately preceding the date thereof in the official organ of Carroll
20 County. The ballot shall have written or printed thereon the words:

21 "() YES Shall the school tax of (amount certified) mills per dollar which was
22 certified by the board of education of the City of Carrollton be approved
23 () NO and levied by the mayor and council of that city?"

24 All persons desiring to vote for approval of the school tax amount certified shall vote "Yes,"
25 and all persons desiring to vote for rejection of the school tax amount certified shall vote
26 "No." If more than one-half of the votes cast on such question are for approval of the school
27 tax amount certified, the amount of the tax certified and so approved shall be levied by the
28 mayor and council of the City of Carrollton upon the assessed value of all taxable property
29 within the City of Carrollton school district. If the school tax amount certified is not so
30 approved or if the election is not conducted as provided in this section, the school tax amount
31 certified shall not be levied by the mayor and council of the City of Carrollton and the
32 amount of the school tax levied the immediately preceding year shall be levied instead. The
33 expense of such election shall be borne by the City of Carrollton. It shall be the election
34 superintendent's duty to certify the result thereof to the Secretary of State.

35 (c) The provisions of this section shall control over any conflicting local law to the contrary
36 enacted prior to 2004.

SECTION 4-102.

Transmittal of taxes and other funds to the board.

(a) Tax collection officer. In accordance with state law, the applicable tax collection officer shall transmit to the board any and all ad valorem taxes assessed and collected on behalf of the city for the support and maintenance of public education, less any costs related to the tax assessment and collection and the amount of any interest and sinking fund charges on outstanding general obligation bonds.

(b) City of Carrollton. The City of Carrollton shall remit to the board any funds received for the school system within 45 days after receipt; such funds shall be used to maintain and expand the public school system.

SECTION 4-103.

Loans for operating expenses.

(a) The board may obtain loans for operating expenses in accordance with the laws of the state.

(b) The board may request the Carrollton City Council to negotiate loans to supply deficiencies in yearly operating expenses of the school system, during any year, in such amounts as may be determined by the board. However, any such loan requested by the board and negotiated by the city shall not exceed 50 percent of the anticipated tax revenue for the year levied for educational purposes. In lieu of borrowing money on behalf of the board, the city may advance to the board such amounts as may be required for such purposes.

(c) The board shall provide for a sum sufficient to repay the loans or advances of moneys made by the city, together with the interest thereon, to be deducted from ad valorem taxes levied and collected for educational purposes during the year in which the loan was negotiated or an advance of moneys was made by the city.

(d) In order for the board to obtain a loan or an advance as provided in this section, the board shall pass a resolution authorizing the money to be borrowed or advanced by the city, in which resolution shall be stated the amount of money to be borrowed or advanced, the length of time it is to be used, for what purpose borrowed, and from whom it is to be borrowed, which resolution shall be recorded on the minutes of the meetings of the board.

SECTION 4-104.

Additional sources of revenue.

In the event any additional sources of revenue shall be authorized by law for educational purposes, the board shall have the power, as the case may be, to recommend or provide for the lawful collection and appropriation of such revenues for use by the school system.

Chapter 2**Budget****SECTION 4-201.**

Procedures.

The board shall conduct its budgeting procedures in the same manner as required of local governments in Article 1 of Chapter 81 of Title 36 of the O.C.G.A., relating to local government budgets and audits.

SECTION 4-202.

Unlawful obligations void.

The board shall incur no obligation in excess of the annual budget and such other special appropriations as may be lawfully made and shall incur no liability except as authorized by such budget or appropriation. Any such liabilities attempted to be incurred shall be void in law and equity.

ARTICLE V**GENERAL PROVISIONS****SECTION 5-101.**

Continuance of officers and employees.

The current terms of office of all elected and appointed officials and officers of the Carrollton school system and its agencies, serving on the effective date of this Act, shall not be diminished and shall continue in full force and effect.

SECTION 5-102.

Existing rules and regulations continued in effect.

Existing rules and regulations of the Carrollton Board of Education and the Carrollton Independent School System, and departments and agencies thereof, not inconsistent with the provisions of this Act, shall be effective until they have been repealed, modified, or amended.

SECTION 5-103.

Pending matters.

All contracts, orders, leases, bonds, and other obligations or instruments entered into by the Carrollton Board of Education for the benefit of the Carrollton Independent School System prior to the effective date of this Act shall continue in effect according to the terms thereof.

SECTION 5-104.

Existing rights and interests.

(a) Any rights or interests, public or private, vested in whole or in part on the effective date of this Act, whose validity might be sustained or preserved by reference to any provisions of law repealed by this Act, shall not be affected by this Act. This subsection shall not apply to any right or interest in any elective public office not conferred by this Act.

(b) Any rights or interests, public or private, derived from, or which might be sustained or preserved in reliance upon, action taken pursuant to or within the scope of any provision of law repealed by this Act, shall not be affected by this Act.

SECTION 5-105.

Construction.

(a) The captions to the several sections of this Act are informative only and are not to be construed as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

(d) "School district" means the City of Carrollton School District.

(e) "City" means the City of Carrollton.

SECTION 5-106.

Specific repealer.

An Act establishing a system of public schools for the City of Carrollton, approved November 26, 1886 (Ga. L. 1886, p. 306), and all amendatory Acts thereto, are repealed in their entirety.

SECTION 5-107.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this Act, or the application thereof to any person or circumstance, should be declared invalid for any reason whatsoever, such decision shall not affect or impair the remaining portions of this Act, unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held invalid, and to this end, the provisions of this Act and the applications thereof are hereby declared to be severable.

SECTION 5-108.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5-109.

General repealer.

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