

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to local school superintendents, so as to provide for a local school superintendent to
3 be elected if provided for by local law; to provide for terms of office for elected local school
4 superintendents; to provide for qualifications of elected local school superintendents; to
5 provide for filling of vacancies; to change certain provisions relating to compensation of
6 local school superintendents; to amend Code Section 21-5-3 of the Official Code of Georgia
7 Annotated, relating to definitions relative to ethics in government, so as to include elected
8 local school superintendents in the definition of "public officer"; to provide for related
9 matters; to provide a contingent effective date; to provide for contingent automatic repeal;
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Article 5 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
13 school superintendents, is amended by revising Code Section 20-2-101, relating to
14 appointment of county school superintendents, as follows:

15 "20-2-101.

16 (a)(1) Unless elected pursuant to paragraph (2) of this subsection, superintendents
17 Superintendents of each school system shall be employed by the local board of education
18 under written contracts for a term of not less than one year and not more than three years.
19 Any provision of any such contract which provides for an extension of the duration of
20 employment thereunder, whether automatic or contingent upon the occurrence of one or
21 more events, shall be void if that extension would result in employment under the
22 contract, as so extended, for a period which exceeds three years. ~~Those provisions of any~~
23 ~~local Act which authorize employment contracts with a school superintendent which are~~
24 ~~of a duration which exceeds that authorized by this subsection, which local Act became~~
25 ~~effective before, at the time of, or after April 15, 1993, are repealed. Any contract entered~~
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1 into pursuant to the provisions of a local Act repealed by the terms of the preceding
 2 sentence of this subsection shall not be affected by such repeal for the duration of that
 3 contract as specified immediately before April 15, 1993, as long as that contract was valid
 4 at such time.

5 (2) On and after January 1, 2009, a local school superintendent may be elected by the
 6 qualified voters of their respective school system pursuant to a local law enacted by the
 7 General Assembly in accordance with Article VIII, Section V, Paragraph III of the
 8 Constitution. All elected local school superintendents shall be elected for terms of four
 9 years beginning on January 1 following the day of election. Each shall hold office until
 10 his or her successor is elected and qualified. Elections for local school superintendents
 11 shall be held in accordance with Chapter 2 of Title 21, the 'Georgia Election Code.'

12 (b) No person shall be eligible to be appointed, ~~or employed, or elected~~ as superintendent
 13 of schools of any county or independent school system unless such person is of good moral
 14 character, has never been convicted of any crime involving moral turpitude, and possesses
 15 acceptable business or management experience as specified by the Professional Standards
 16 Commission or the minimum valid certificate or a letter of eligibility for said certificate
 17 required by the Professional Standards Commission.

18 (c)(1) Appointed superintendents Superintendents shall have such additional
 19 qualifications as may be prescribed by local law or policies of the local board for that
 20 school district, not inconsistent with the provisions of this chapter.

21 (2) Elected superintendents shall have such additional qualifications as may be
 22 prescribed by local law for that school district, not inconsistent with the provisions of this
 23 chapter.

24 ~~(d) This Code section shall not apply to any elected school superintendent in office on~~
 25 ~~January 1, 1993, during the term of office for which that person was elected.~~

26 ~~(e)~~(d)(1) At any time during the 12 months immediately preceding the expiration of an
 27 appointed ~~or elected~~ school superintendent's contract ~~or term of office~~, or when a
 28 vacancy in the office of an appointed school superintendent occurs, the local board may
 29 appoint and employ a successor in accordance with the above provisions of this Code
 30 section, notwithstanding that the terms of some or all of the board members will expire
 31 before the employment of the superintendent so appointed and employed begins. ~~Where~~
 32 ~~a local board of education decides to appoint and employ the incumbent elected~~
 33 ~~superintendent of the school district as the superintendent for a term beginning during~~
 34 ~~1996 or thereafter, or to renew the contract of any appointed superintendent, the board~~
 35 ~~shall not be required to comply with the notice and announcement provisions of~~
 36 ~~subsection (d) of Code Section 20-2-211 or any local policy adopted pursuant thereto.~~

1 (2) In the event of a vacancy by death, resignation, or removal from office or from any
 2 cause whatever in the office of an elected local school superintendent in any local school
 3 system or upon the death or disqualification of a superintendent-elect between the date
 4 of his or her election and the date that he or she assumes office, the vacancy shall be
 5 filled as follows:

6 (A) In the event of a vacancy by death, resignation, or removal from office or from any
 7 other cause whatever, if there are less than six months remaining in the unexpired term,
 8 the local board of education shall appoint an acting local school superintendent for the
 9 unexpired term;

10 (B) In the event there are more than six months remaining in the unexpired term, the
 11 local board shall appoint an acting superintendent to serve for a period of 30 days and
 12 until the vacancy can be filled as provided in this subparagraph. In such event, it shall
 13 be the duty of the judge of the probate court to issue a call, within ten days after the
 14 vacancy occurs, for a special election to fill the vacancy for the unexpired term. Such
 15 election shall be held in accordance with Chapter 2 of Title 21, the 'Georgia Election
 16 Code'; or

17 (C) In the event of the death or disqualification of a superintendent-elect preceding the
 18 date that he or she was to have assumed office, it shall be the duty of the judge of the
 19 probate court, within ten days after the death or disqualification occurs, to issue the call
 20 for a special election to elect a superintendent for the term to which the
 21 superintendent-elect was elected. Such election shall be held in accordance with
 22 Chapter 2 of Title 21, the 'Georgia Election Code.' The incumbent superintendent shall
 23 hold over until his or her successor is elected as provided in this subparagraph.

24 ~~(f)~~(e) No substantive or procedural right regarding employment or termination of
 25 employment of a superintendent appointed by a local school system shall be created by this
 26 Code section. Rather, the terms and conditions of employment of a an appointed school
 27 superintendent by a local school system shall be determined exclusively by the contract
 28 between those parties and may include, without being limited to, the conditions under and
 29 procedures by which that contract may be terminated prior to the end of the term of that
 30 contract."

31 SECTION 2.

32 Said article is further amended by revising Code Section 20-2-108, relating to certification
 33 and classification of local school superintendents and compensation, as follows:

34 "20-2-108.

35 Each local school superintendent shall be certified and classified by the Professional
 36 Standards Commission ~~as teachers are now~~ in the same manner as teachers are classified

1 and certified under Code Section 20-2-200. The superintendents shall receive salaries
 2 according to a schedule of minimum salaries fixed by the state board based on
 3 classification and certification in the same manner teachers are paid under Code Section
 4 20-2-212; provided, however, that in no event shall the salary of a superintendent be less
 5 than \$27,000.00 per year, such salary to be paid in equal monthly installments out of state
 6 funds, ~~and in~~ In addition thereto, the local board of education shall allow additional
 7 compensation for appointed superintendents for the services to be rendered as may be in
 8 its judgment proper and just; and elected superintendents shall receive additional
 9 compensation in such amount as may be authorized by local Act."

10 SECTION 3.

11 Code Section 21-5-3 of the Official Code of Georgia Annotated, relating to definitions
 12 relative to ethics in government, is amended by revising paragraph (22) as follows:

13 "(22) 'Public officer' means:

14 (A) Every constitutional officer;

15 (B) Every elected state official;

16 (C) The executive head of every state department or agency, whether elected or
 17 appointed;

18 (D) Each member of the General Assembly;

19 (E) The executive director of each state board, commission, or authority and the
 20 members thereof;

21 (F) Every elected county official, ~~and~~ every elected member of a local board of
 22 education, and every elected local school superintendent; and

23 (G) Every elected municipal official."

24 SECTION 4.

25 This Act shall become effective on January 1, 2009, conditioned upon the ratification at the
 26 state-wide general election held in November, 2008, of an amendment to Article VIII,
 27 Section V, Paragraph III of the Constitution providing that the General Assembly may
 28 provide by law for the election of a local school superintendent of any local school system
 29 by the qualified voters of the local school system affected. If such amendment is not so
 30 ratified, this Act shall not become effective and shall stand repealed on January 1, 2009.

31 SECTION 5.

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