

House Bill 641

By: Representative Coleman of the 97th

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 revise a provision relating to the delegation of
3 authority to employ staff at the Department of Education; to provide that the State Board of
4 Education can solicit donations, grants, gifts, devises, and bequests; to establish the Georgia
5 Educational Excellence Foundation and provide for its membership, duties, powers, and
6 purposes; to provide that the State School Superintendent is authorized to enter into contracts
7 for \$100,000.00 or less; to provide for related matters; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
12 secondary education, is amended in Code Section 20-2-11, relating to budgets, supervision
13 of the Department of Education, and funds for the state office, as follows:

14 "20-2-11.

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

SECTION 2.

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2 Said chapter is further amended in Code Section 20-2-14, relating to acceptance of donations,
3 grants, and federal aid for vocational or other educational purposes by the State Board of
4 Education, as follows:

5 "20-2-14.

6 The State Board of Education is authorized to solicit, receive, accept, hold, and operate, on
7 behalf of the state, donations, grants, gifts, devises, and bequests of real, personal, and
8 mixed property of every kind and character; to lease, manage, and otherwise administer
9 such property for the use, benefit, and behalf of the public school system of Georgia; and
10 to accept on behalf of the state any funds which may be now or hereafter provided for, or
11 be, or hereafter become available or allotted to the state by virtue of any appropriation by
12 Congress or under any governmental regulation, order, or declaration of policy for either
13 vocational or other educational purposes conducted either in or out of school, in connection
14 with, or as an incident of, any program of vocational education now or hereafter established
15 as essential to national defense either for industrial or agricultural occupations, and whether
16 as part of a federal or a state program or a combination of both, in furtherance of vocational
17 educational objectives generally. The state board is authorized to acquire and hold title for
18 and on behalf of the state for the benefit of the public school system thereof any equipment
19 or supplies, both permanent and expendable, that may be necessary for such purposes; to
20 act as the contracting agent therefor and the custodian thereof; to delegate, in whole or in
21 part, any function or activity enumerated or contemplated under this Code section; to
22 contract with and cooperate with any department, agency, or instrumentality, either of the
23 state or of the United States in any manner which shall be requisite or incident to this Code
24 section and which in the judgment of the state board may be deemed proper for the
25 carrying into effect of the purposes of this article; and to use so much of the public school
26 fund or other funds appropriated by the General Assembly as may be necessary to match
27 any such federal aid or to meet the terms of any past, present, or future grant to the state
28 or any local school unit whereby the state or any local school unit, respectively, may be
29 enabled to derive full advantage of the benefits thereof to the state as contemplated under
30 the terms and provisions of any such grant for educational purposes."

SECTION 3.

31
32 Said chapter is further amended by adding a new Code section to read as follows:

33 "20-2-14.1

34 (a) There is established the Georgia Educational Excellence Foundation existing as a
35 public corporation and instrumentality of the state, exclusively limited to the following
36 charitable and public purposes and powers:

1 (1) To solicit and accept contributions of money and in-kind contributions of services
2 and property for the purpose of supporting educational excellence in Georgia;

3 (2) To solicit and accept contributions of money and in-kind contributions of services
4 and property for the purpose of supporting educational excellence at Georgia Academy
5 for the Blind, Georgia School for the Deaf, and Atlanta Area School for the Deaf;

6 (3) To make and disburse contributions to the department and others for such purposes;
7 and

8 (4) To seek recognition of tax exempt status by the United States Internal Revenue
9 Service and to seek confirmation concerning the deductibility of contributions.

10 (b) The Georgia Educational Excellence Foundation shall be attached to the department
11 for administrative purposes. The Attorney General shall be the attorney for the foundation.
12 The State School Superintendent may solicit and accept contributions from the foundation.
13 The department may cooperate and contract with the foundation for their mutual benefit
14 and authorize others to do so. Upon any dissolution of the foundation, its assets will
15 devolve in trust to the State Board of Education or its successor for use only for the benefit
16 of the department and the schools listed in paragraph (2) of subsection (a) of this Code
17 section.

18 (c) The creation of the foundation and the execution of its corporate purposes are in all
19 respects for the benefit of the people of this state and constitute a public and charitable
20 purpose. Further, the foundation performs an essential governmental function in the
21 exercise of the powers conferred upon it by this Code section. Accordingly, the foundation
22 shall not be subject to taxation or assessment in any manner, including without limitation
23 taxation or assessment upon any transaction, income, money, or other property or activity.
24 The exemptions granted by this Code section shall not be extended to any private person
25 or entity.

26 (d)(1) The foundation shall be governed by a board of directors composed of between
27 five and 15 members as determined by the State School Superintendent. Two members
28 of the board of directors representing the interests of students who are blind or deaf shall
29 be designated by the State Board of Education, and the remaining members shall be
30 designated by the State School Superintendent. The foundation board of directors shall
31 draft and adopt governance bylaws, subject to approval by the State School
32 Superintendent.

33 (2) The foundation shall have complete discretion to invest any and all assets as it sees
34 fit, and at no time shall the assets of the foundation be considered assets of the state.

35 (3) The foundation shall have the authority to roll over any unused funds into the next
36 fiscal year.

1 (e) The foundation's operations shall not be subject to Article 1 of Chapter 13 of Title 50,
2 the 'Georgia Administrative Procedure Act.'

3 **SECTION 4.**

4 Said chapter is further amended in Code Section 20-2-241, relating to the State School
5 Superintendent, as follows:

6 "20-2-241.

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

19 (b) The State School Superintendent shall have the authority to employ persons to serve
20 in the five senior staff positions within the Department of Education. The State Board of
21 Education may delegate to the State School Superintendent the authority to employ other
22 persons within the Department of Education pursuant to Code Section 20-2-11.

23 (c) The State School Superintendent shall have the authority to enter into contracts and to
24 issue grants for the amount of ~~\$50,000.00~~ \$100,000.00 or less on behalf of the Department
25 of Education. The State Board of Education may delegate to the State School
26 Superintendent the authority to enter into contracts in amounts greater than \$100,000.00
27 or to issue grants in any amount, at its discretion."

28 **SECTION 5.**

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