

Senate Bill 535

By: Senators Chance of the 16th, Heath of the 31st, Carter of the 13th and Johnson of the 1st

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to local boards of education, so as to require local school systems to attain and
3 maintain accreditation; to provide for a definition for the term "accreditation"; to provide for
4 the removal of all members of a local board of education of a school system which fails to
5 attain or maintain accreditation; to provide for procedures; to provide for the filling of
6 vacancies; to provide for election of subsequent members; to provide for powers, duties, and
7 authority of the State Board of Education; to provide for applicability of the foregoing with
8 respect to certain local laws and local constitutional amendments; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
13 boards of education, is amended by adding a new Code section to read as follows:

14 "20-2-72.

15 (a) As used in this Code section, the term 'accreditation' means system-wide accreditation
16 of a local school system or accreditation of every school within a local school system by
17 the Southern Association of Colleges and Schools or other accrediting entity approved by
18 the State Board of Education.

19 (b) As a condition of receiving funds under Article 6 of this chapter, the 'Quality Basic
20 Education Act,' a local school system shall attain and maintain accreditation as follows:

21 (1) A school system which has attained accreditation as of July 1, 2008, shall be required
22 to maintain such accreditation; and

23 (2) A school system which has not attained accreditation as of July 1, 2008, shall be
24 required to attain accreditation no later than June 30, 2010.

25 (c) In the event a school system loses its accreditation or fails to attain accreditation in
26 accordance with the time frames established pursuant to subsection (b) of this Code

1 section, the State Board of Education shall notify the appropriate election superintendent
 2 of the county or municipality whose geographical boundary is conterminous with that of
 3 the local board of education by forwarding a copy of a resolution adopted by the State
 4 Board of Education calling for a referendum on the question of removing the members of
 5 such local board of education.

6 (d) Upon receipt of such resolution, it shall be the duty of the election superintendent of
 7 such county or municipality to issue the call for a referendum for the purpose of submitting
 8 the question to the qualified electors of the county school district or independent school
 9 district for approval or rejection of whether the members of the local board of education
 10 should be immediately removed. The election superintendent shall issue the call and shall
 11 conduct the referendum on a date and in the manner authorized under Code Section 21-2-
 12 540. The election superintendent shall cause the date and purpose of the referendum to be
 13 published once a week for two weeks immediately preceding the date of the referendum
 14 in the official organ of such county. The ballot shall have written or printed thereon the
 15 words:

16 '() YES Shall all members of the board of education of (Name of County or
 17 City) be immediately removed from office because the school
 18 '() NO system has lost accreditation or not attained accreditation as
 19 required by law?'

20 All persons desiring to vote for removal of the board members shall vote 'Yes,' and persons
 21 desiring to vote against removal of such board members shall vote 'No.' If more than
 22 one-half of the votes cast on such question are for removal of the board members, such
 23 members shall be removed from office. It shall be the superintendent's duty to certify the
 24 result of the referendum to the Secretary of State and to the State Board of Education. The
 25 expense of the referendum shall be borne by the county or municipality whose
 26 geographical boundary is conterminous with that of the local board of education.

27 (e) Upon certification by the election superintendent of approval of the referendum as
 28 provided in subsection (d) of this Code section, the members of the board shall
 29 immediately be removed from office by operation of law, and the board member seats shall
 30 be deemed vacant. The State Board of Education shall, within 30 days of the occurrence
 31 of the vacancies pursuant to this subsection, appoint a board member for each vacancy
 32 resulting from this Code section who shall be otherwise qualified to serve as a member of
 33 such board. Each such member shall serve for the remainder of the unexpired term of
 34 office as applicable to the particular board seat to which he or she is appointed. Thereafter,
 35 successors to such board member seats shall be elected in accordance with the local law
 36 applicable to that local board of education.

1 (f) To the extent any provisions of any local law in effect on July 1, 2008, are in
2 contravention to the requirements of this Code section, this Code section shall supersede
3 and control over such provisions of such local law; provided, however, that in the event a
4 local school system is governed by a local constitutional amendment which has been
5 continued in force and effect as a part of the Constitution, such local constitutional
6 amendment shall supersede and control over this Code section to the extent that it is in
7 contravention to the requirements of this Code section."

8 **SECTION 2.**

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